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## Another Cohn Friend Confused About 'Truth'

By Milton Lewis  
Of The Herald Tribune Staff

An accountant concluded his testimony yesterday at the Roy M. Cohn perjury-conspiracy trial this way:

"I'm getting a little confused as to what the truth means."

Ell Boyer, a CPA, smiled broadly at Mr. Cohn in taking the stand in Federal Court—and Mr. Cohn smiled at him. Mr. Boyer described himself as a "very good friend" of Mr. Cohn. He was asked by the prosecution what counsel in he got from Mr. Cohn, his twice-around-the-world traveling companion the night before he went into the grand jury investigating Mr. Cohn.

This is what Mr. Boyer, a 42-year-old immaculately-clad, lean, dark figure, answered:

"Mr. Cohn told me I should know it is not a crime not to remember."

And then Mr. Boyer, built along the same line as Mr. Cohn, admitted that he had given false statements to the grand jury at Mr. Cohn's behest.

But later, under cross-examination by Mr. Cohn's

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Herald Tribune—KELL  
Roy Cohn

as counsel in 1959 and also never to mention the name Robson. Both Garfield and Roen were then testifying in 1962 before the grand jury as cooperative witnesses, having pleaded guilty as swindlers.

Both Garfield and Roen didn't seem to recognize the name Gottesman, Mr. Fugazy testified, and when he mentioned the name Robson to them, both Garfield and Roen told him (Fugazy) not to get involved. Mr. Cohn kept saying, according to Mr. Fugazy, that the government was out to get him (Cohn) on trumped-up charges and that unless Garfield and Roen told the truth, he (Cohn) would get everybody in trouble.

"I accepted Mr. Cohn's statement," said Mr. Fugazy, who is now suing him on civil matters, having been his partner in promoting two Patterson-Johansson fights. "I didn't think he'd lie to me or tell me anything not true."

At another point the witness testified, half-leaning out of his seat:

"Mr. Cohn felt the government was trying to frame

him. He needed my help. I was willing to give him my help because he was my good friend . . . I didn't know what the case was all about. I read the papers. I still don't know what it's all about. I took his advice. I wanted to help him."

After he made his first appearance before the grand jury—and committed perjury at Mr. Cohn's behest—Mr. Garfield recalled, the FBI wanted to interview him. So, the witness, making it plain that he was quite bothered, went to his "good friend" and a person he greatly admired, the since deceased Hearst columnist, George Sokolsky, a staunch anti-Communist.

"I told Mr. Sokolsky that I had nothing to hide," Mr. Fugazy testified in a hushed, packed court. "Mr. Sokolsky said it was not a good idea for me to see the FBI. He thought it would be un-American because you couldn't have a lawyer with you there."

But the witness did go to the FBI, after seeing his new lawyer, Mr. Williams.

Yes, Mr. Fugazy conceded under cross-examination, Mr. Cohn had repeatedly told him to tell the truth before the grand jury, but:

"On the other hand, he told me how to answer!"

"Did you get a message

from the Attorney General concerning a deal?" demanded chief defense counsel Raichle of Mr. Fugazy.

"I had no occasion to get a deal. I was not involved in the (stock fraud) case."

"Didn't your lawyer (Williams) tell you he got a message from the Attorney General?"

"I've been advised I don't have to answer any questions concerning relations between my lawyer and myself."

The defense was trying to show here that there is a government "vendetta" to get Mr. Cohn.

Mr. Fugazy, who while admitting he is no longer friendly with Mr. Cohn, main-

tained he was not bitter toward him, almost shouting:

"I wouldn't do anything to hurt his liberty or anything!"

And then, shortly before the recess was called until this morning, Mr. Fugazy was asked if he did not say—after the Cohn indictment was opened last Sept. 4—that he felt his former pal and business associate was innocent. The defense lawyer demanded a yes or no answer, but Judge Archie O. Dawson allowed the head of the Fugazy Travel Bureau to answer at length this way as the witness darted his right arm into the air for emphasis:

"To this day, I believe Mr.

Cohn is completely innocent of any bribery because I don't think he is the kind of person who would do that regardless of how mad I might be at him . . . I felt sorry for him!"

Defense counsel Raichle stood fast, near the jury box, as Mr. Fugazy cried out:

"I didn't understand the implications of this case. I still don't. Concerning any bribes, I don't think he is guilty."

But Mr. Cohn is not charged with bribery. He is accused of perjury and conspiracy to obstruct justice in allegedly trying to save from indictment swindlers involved in a \$5 million stock fraud.



counsel, Mr. Boyer was asked if Mr. Cohn had so counseled him.

"You go in there and tell all you know. Answer any question they want you to."

The witness:

"That's still true."

The prosecutor:

"Is that the full truth?"

"I'm getting a little confused as to what the truth means."

On Thursday, William D. Fugazy, head of the Fugazy Travel Bureau and a former friend and business associate of Mr. Cohn, testified that Mr. Cohn had duped him into committing perjury before the grand jury.

Mr. Cohn is on trial on charges of perjury and conspiring to obstruct justice by allegedly saving from indictment in 1959 four swindlers involved in the \$5 million United Dye & Chemical Corp. stock fraud.

Next Monday, one of those four swindlers, Allard Roen, will take the stand. (All four were indicted in 1960 and 1961 and have pleaded guilty). There has been previous testimony in the current trial from one of the confessed swindlers that Roen paid "two-thirds of \$50,000" to Morton S. Robson, chief assistant U. S. Attorney in 1959, to avoid indictment. Mr. Robson has denied this. The other one-third of the \$50,000, according to testimony, went to Mr. Cohn.

Mr. Boyer, whose home is in Los Angeles, is the accountant for the Desert Inn, Las Vegas, which Roen runs. In late 1960—when Roen and his three swindler associates were indicted, Roen telephoned Mr. Boyer to pass a message along to Mr. Cohn.

"I told Mr. Cohn," Mr. Boyer testified, "that Mr. Roen was very upset. Mr. Roen said he had paid him (Cohn) a large fee to do something for him and now was unable to get in touch with him."

"What was that fee?" asked Assistant U. S. Attorney Donald J. Cohn, no kin to defendant Cohn.

"To the best of my recollection, \$50,000."

In June, 1962—after Roen and another swindler, Samuel S. Garfield, had pleaded guilty and were co-operating with the grand jury investigating Mr. Cohn—Mr. Boyer went on:

"Mr. Cohn was very upset about Garfield and Roen talking to the government in a manner injurious to him. He said if they persisted, he'd make it difficult for the Las Vegas people."

When he passed this along to Roen, Mr. Boyer testified, Roen told him:

"I don't care what Cohn or anybody else says."

In addition, Mr. Boyer said Roen told him:

"You stay out of this. This is a very serious matter."

In the grand jury, it developed, Mr. Boyer swore that Mr. Cohn had never discussed with him the grand jury investigation of Mr. Cohn.



# Deals and Denials In the Cohn Case: Someone Is Lying

## The 'Unfamiliar Face' In the Perjury Trial; Talk About 'Prices'

Murray Gottesman got up from the defense table and walked deliberately toward the man on the witness stand.

"Do you know him?" a Government lawyer asked the witness.

"I don't know Murray Gottesman," answered the man on the stand, an Evansville, Ind., lawyer named Allen K. Swann. "His face is unfamiliar to me and I never retained him to represent me."

Someone is lying. The Federal Jury in the New York perjury trial of Mr. Gottesman and Roy M. Cohn, onetime chief assistant to Sen. Joseph McCarthy, will have to decide which man is telling the truth.



Mr. Cohn

The defendants contend that they met with Mr. Swann and former Denver oil promoter Samuel Garfield in a suite at New York's Hotel Pierre in August 1959. The defense argues that Mr. Gottesman was hired, at Mr. Cohn's urging, to represent the other men in a Government investigation into stock fraud.

The Justice Department is prosecuting Mr. Cohn, who has built a lucrative New York law practice since he left the McCarthy committee, and Mr. Gottesman, charging conspiracy to interfere with that stock-fraud investigation. They are also charged with perjury—lying to Federal grand juries in 1962 and 1963.

The defendants' story is that the Pierre meeting was a legitimate discussion of Mr. Swann's prospective appearance before a grand jury investigating stock manipulations in the United Dye and Chemical Corp. The Government says this meeting never happened, but that Mr. Cohn informed Mr. Swann, Mr. Garfield, and two other men he could keep them from being indicted for fraud—for a price.

The four were not indicted in 1959, but they were a year later. Mr. Swann and Mr. Garfield pleaded guilty and now await sentencing. The defense maintains that the two have struck a deal with the Justice Department: Lie about Mr. Cohn and receive lighter sentences.

Mr. Garfield spent most of his time on the stand talking prices:

First, \$50,000, one-third to Mr. Cohn and two-thirds to Morton S. Robson, then chief assistant U.S. attorney in New York, to halt the indictments. Mr. Garfield testified he handed money to Mr. Cohn in the lobby of the Desert Inn in Las Vegas, and that an associate of Mr. Garfield reported giving the remainder to Mr. Robson there.

Mr. Robson, now in private law practice in New York, has not appeared in court and faces no charge. He issued a statement denying he had ever been to Las Vegas or had ever spoken to Mr. Garfield or to Mr. Garfield's associate.

### Was It or Wasn't It Paid?

Second, \$100,000, which Mr. Garfield had "arranged to pay" to the late George Bender, onetime U.S. senator from Ohio, for help in trying to stop the investigation. But Mr. Garfield testified the money was never paid; at the United Dye trial last year, the Government said it was paid.

Third, \$12,000, which Mr. Garfield said he had "loaned" to Sidney Barkley, a former convict, apparently to buy a present for another assistant U.S. attorney, Leonard Glass. Mr. Barkley later testified that he had received from Mr. Glass a list of questions that were to be asked of Mr. Swann before a Federal grand jury, and had delivered them to Mr. Swann at the Hotel Pierre.

Then the Government brought in William D. Fugazy, a dapper New York travel agent and promoter who for years was a close friend and golfing partner of Mr. Cohn. Together they had promoted two world heavyweight championship fights between Floyd Patterson and Ingemar Johansson, but they had a falling out and are now in a court battle over the receipts.

Mr. Fugazy testified that he had lied to a grand jury—unknowingly—by making certain statements at Mr. Cohn's request. He did this, he said, because Mr. Cohn was his friend, and had told him the statements were not unlawful.

### Cries of a 'Vendetta'

In scathing cross-examination, defense lawyers accused Mr. Fugazy of joining the Justice Department's "vendetta" against Mr. Cohn.

"You're sore, aren't you?" he was asked.

"At times I get mellow," replied Mr. Fugazy—with a grin, "but I'd say I'm sore."

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Mr. Fugazy never looked at his former friend, Mr. Cohn, seated quietly at the defense table, stared at him in a detached way throughout the testimony. In the high-ceilinged courtroom at Foley Square, where he was once a star Government prosecutor at the age of 21, Mr. Cohn has displayed little emotion or even apparent interest.

His thoughts may be elsewhere. Mr. Cohn has always been busy; now, while being tried on charges that could send him to jail for 40 years, he is serving as lawyer on another case in a state court across the street, where his legal opponent is the author-lawyer, Louis Nizer.



# Government Rests Case In Cohn Trial

NEW YORK, April 6 (AP) — The government rested its case today after presenting 22 witnesses in the trial of attorneys Roy M. Cohn and Murray E. Gottesman. The two are accused of perjury and conspiracy to obstruct justice.

The final Government witness on the tenth day of the trial in U.S. District Court was Allard Roen, a Las Vegas resort manager.

He testified he paid Morton Robson, a former Chief Assistant U.S. Attorney, about \$33,333 to evade a 1959 conspiracy indictment. The other third of the \$50,000 sum, Roen said, went to Cohn.

Roen, who is awaiting sentencing after pleading guilty to conspiracy in 1962, was one of four men left out in 1959 when a United Dye and Chemical Corp. conspiracy indictment was handed up. It came two days after the alleged payment in Las Vegas.

Previously, Samuel S. Garfield, another of the four confessed swindlers, testified that he arranged the payments, giving Cohn the first one-third himself.

Roen, in his testimony today, said that three days before the payoff, he called Garfield in Clare, Mich., and asked for the name of "someone who was coming out to collect two-thirds of \$50,000."

"He (Garfield) told me his name was Robson, that he would contact me and identify himself," said Roen. "Early that afternoon I was paged, picked up the phone and a man said Roy Cohn sent him."

Garfield previously had told him, Roen said, that he had arranged with Cohn to pay \$50,000 if the four men were omitted from the indictment, with no payment if they were indicted.

At the Las Vegas Desert Inn, Roen continued, a stranger approached him and identified himself as Robson. He gave him a white envelope containing the cash.

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# **Defense Opens Today In Cohn's Payoff Trial**

By NORMA ABRAMS and HARRY SCHLEGEL

After 10 days and 22 witnesses, the government rested its case yesterday in the Federal Court trial of attorneys Roy M. Cohn and Murray E. Gottesman on charges of perjury and conspiracy to obstruct justice.

The defense will open today, with its second witness slated to be Morton Robson, former chief assistant U.S. attorney here, who was named by two prosecution witnesses as the recipient of \$33,888 in a Las Vegas payoff.

## **Indictment Omitted**

It was yesterday's final witness, Allard Roen, a Las Vegas resort manager and confessed swindler, who swore he gave Robson the money on Aug. 23, 1959.

Later, an indictment was re-

turned here, omitting Roen, Samuel S. Garfield, Irving Pasternack and Allen Swann from those named in a stock-fraud conspiracy involving the United Dye & Chemical Corp.

Previously, Garfield had testified that he arranged that payment and one of \$16,666 to Cohn.

The details were given by Roen as defense lawyers took

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him under cross-examination yesterday.

#### Tells of Garfield Call

He said he returned to Vegas from California on Aug. 23, phoned Garfield at his Michigan home, and asked for the name of the "someone who was coming out to collect two thirds of \$50,000."

"He told me his name was Robson, that he would contact me and identify himself" Roen said. "Early that afternoon I was paged, picked up the phone and a man said Roy Cohn sent him out."

#### A Stranger Eaters

Roen said he drew the dough at the cashier's cage in the Desert Inn, put it in an envelope, and then met the stranger near an elevator.

"I said, 'Are you Mr. Robson?'" Roen testified. "He said 'yes.' I said, 'Roy said to give you this.' I gave him the envelope."

Roen said they went to the lobby where "he put it (the envelope) in his breast pocket and walked out the front door."

#### Question of Identity

Judge Archie O. Dawson asked how the supposed Robson identified himself.

"He called and said his name was Robson," Roen replied. "I said 'are you Mr. Robson' and he said 'yes.'" He said the man who took the envelope wore a brown sport jacket, carried a raincoat, and had brown hair and "a rather long face—dark complected."

Roen admitted that Robson was "never a guest at the Desert Inn," and Cohn's lawyer, Frank Raichle, brought out that Roen had no records of Robson stopping at the inn "at any time in his life."

#### Robson Testifies Today

Robson, who has denied any such payment, will be preceded to the stand today by former U.S. Attorney S. Hazard Gillespie. Both are appearing voluntarily, according to the defense.

After the prosecution rested yesterday, Dawson denied motions to dismiss several counts in the indictment, but reserved decision on one dealing with the conspiracy phase of the case.



# Cohn Takes Stand, Tells Own Story

By Milton Lewis  
Of The Herald Tribune Staff

Roy M. Cohn, without mentioning Attorney General Robert F. Kennedy by name, testified yesterday that "a few people" in the Justice Department were out "to get me."

Though unaccustomed to being a defendant, the 37-year-old former prosecutor bounced into the Federal Court witness chair at his perjury-conspiracy trial and fielded smoothly all questions put to him by his own counsel. Keeping his chin high, Mr. Cohn indicated quickly he would prove to the jury that the charges against him were vicious and phony.

But he appeared to lower his head when 32-year-old Assistant U. S. Attorney Gerald Walpin, figurative flame in his eye, opened his cross-examination this way: "Do you think this entire case is a conspiracy from the entire Justice Department of the United States, from top to bottom, against you?"

Mr. Cohn, with equal heat: "My answer . . . is no. . . . I think the Justice Department . . . in which I served for a long time, contains an awful lot of decent, honorable people. I think it is an endeavor on the part of a few people in the Justice Department, in the company of this Desert Inn gang and a few people who work for them . . . to get me. . . ."

By "Desert Inn gang" Mr. Cohn meant the manager of that Las Vegas resort, Allard Roen and his associate, Samuel S. Garfield. These two had testified previously that there was a \$50,000 payoff to save them and two others from indictment in 1959 in a \$5-million stock swindle—that one-third of the \$50,000 went to Cohn, two-thirds to then Chief Assistant U. S. Attorney Morton S. Robson.

Mr. Cohn, like Mr. Robson on Tuesday, flatly denied that he took a payoff from anybody, swore that he did nothing illegal. He is charged, with his co-defendant, lawyer Murray E. Gotesman, with conspiring to obstruct a grand jury from learning why those four stock swindlers were not indicted in 1959. They were so named in 1960 and 1961. They pleaded guilty in 1962.

Mr. Cohn testified that he was told by an intermediary that Roen and Garfield had "been subjected to tremendous pressure, with the Justice Department hell bent on one thing—getting me. . . . They were to tell a story involving me in a terrible bribe."

On his indictment last September, Mr. Cohn publicly proclaimed that his troubles stemmed from a personal vendetta against him by Attorney General Kennedy and U. S. Attorney Robert M. Morgenthau.

In July, 1962, testified Mr. Cohn, a symphony in blue, he went up to see Mr. Morgenthau in an effort to find out what was going on—and to put at rest rumors and lies being bandied about him. But, the witness insisted, he got nowhere, with Mr. Morgenthau refusing to accept a memorandum. How did this meeting come about?

"Attorney General Kennedy suggested that course of action. I was told by Mr. (George) Sokolsky (late Hearst columnist) to see Mr. Morgenthau."

Mr. Cohn, testifying in the same court in which he had prosecuted numerous others, denied that he ever committed perjury before the grand jury, or attempted to get others to perjure themselves or made any threats against anybody.

He recalled that when he was chief counsel to the McCarthy Senate Investigating Committee 10 years ago, one of the associate counsel was, with emphasis on the article, "The Robert F. Kennedy," with whom he almost exchanged blows in 1954.

He told—modestly—of his various endeavors, such as president of the American Jewish League Against Communism "I succeeded Mr. Sokolsky when he died" and of his Roy M. Cohn Foundation, "organized by Edward J. Spellman, Cardinal Spellman's nephew."

Mr. Cohn, who was to court in a chauffeur-driven Cadillac with telephone, testified that Garfield—one of the United Dye & Chemical Corp. stock swindlers—told him in 1961 that he (Garfield) had hired a lawyer by the name of William Mulligan.

"Mr. Garfield said that Mr. Mulligan had excellent connections with Mr. Morgenthau, that a deal had been worked out: Roen was to get a suspended sentence and Garfield was to get a suspended sentence or a very light term."

"Somebody in the Securities and Exchange Commission objected very strenuously to this deal that Mr. Morgenthau made with the Garfield group," Mr. Cohn said.

The deal fell through, he went on, occasionally looking at the jury, when one of the other four swindlers—Irving

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Herald Tribune photo by IRA ROSENBERG

**DENIES ALL**—Defendant Roy Cohn as he left the Federal Courthouse yesterday after testifying in his own defense in his perjury trial.

Pasternak—refused to plead guilty.

The only fee he ever got from Garfield, Mr. Cohn said, was \$10,000 in 1961—for advice he had given in civil matters over a three-year period. Garfield never slipped him "one-third of \$50,000" or a penny as a payoff in 1959 or any other time, Mr. Cohn swore. That \$10,000 was paid in cash, Mr. Cohn said.

Roan, according to Mr. Cohn, induced Garfield to plead guilty while the latter was in a hospital in 1962, quoting Roan as saying, "Why should we give a damn about Cohn?" They then began cooperating with the government, telling, in Mr. Cohn's view, a pack of lies about him. Roan and Gar-

field are yet to be sentenced.

Mr. Cohn's counsel, Frank G. Raichle, read a deposition to the jury taken recently from 94-year-old Bernard Baruch, who said that he had known Mr. Cohn as an anti-Communist for 10 years and gave him a good character reference.

And Leonard Lyons took the stand to praise Mr. Cohn's character, though Mr. Lyons testified he wanted to emphasize that he was in court for Mr. Cohn as an "individual" and not as a "syndicated columnist" for the New York Post. He stressed he was not speaking for the publisher of the Post—only for himself.

Mr. Cohn will continue under cross-examination this morning.



# Borrowed Big in '59, Cohn Says

By Milton Lewis  
Of The Herald Tribune Staff

Roy M. Cohn conceded yesterday at his perjury-conspiracy trial that he borrowed "a lot of money in late 1959." It was in September, 1959, according to previous testimony which Mr. Cohn has labeled "a vicious lie," that he shared in a \$50,000 payoff with a Federal prosecutor to save four stock swindlers from indictment.

Under cross-examination in Federal Court, the one-time "boy wonder" prosecutor, now 37, maintained there were no inconsistencies between his trial testimony and sworn statements he had made previously before the grand jury or elsewhere. Mr. Cohn answered at least 20 questions put to him by Assistant U. S. Attorney Gerald Walpin, 32, with such variations as:

"It might very well be."

"I don't recall."

"It is very possible."

"If you say so."

"Could be."

"I'll take your word."

Mr. Cohn vehemently denied that he went to Las Vegas in September, 1959, to "finalize arrangements" to collect "one-third of \$50,000" to prevent the indictment of Samuel S. Garfield, oil promoter and gambler; Allard Roen, manager of the Desert Inn, Las Vegas, and two others.

## 'BORROWING A LOT'

First Mr. Cohn answered "It is very possible" that he arranged a \$40,000 bank loan in Las Vegas in 1959, and then added, "It is of no significance."

"Weren't you borrowing a lot of money in late 1959?" asked prosecutor Walpin.

"True," said Mr. Cohn.

He maintained that the only money he ever received from any of the four swindlers involved in the \$5 million United Dye & Chemical Corp. stock fraud was \$10,000—in cash—from Garfield, and that, Mr. Cohn swore, was in 1961. The defendant insisted this was for various legal services going back to 1957 or 1958, but had nothing to do with the United Dye case.

Garfield previously testified that the only money he ever gave Mr. Cohn was \$16,666 in cash at the Desert Inn in September, 1959—to keep him, Roen and the other two stock swindlers from indictment that year. The four were subsequently indicted in 1960 and 1961, and pleaded guilty in 1962.

Garfield and Roen, who testified that he gave "two-thirds of \$50,000" in 1959 to a man who identified himself as Morton S. Robson, are yet to be sentenced. Mr. Robson, Chief Assistant U. S. Attorney in 1959, has denied ever receiving any of the money.

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## CHARACTER WITNESS

In a rarely used tactic, prosecutor Walpin cross-examined a character witness called by Mr. Cohn, retired Magistrate Edward J. Chapman. Mr. Walpin to Mr. Chapman:

"Did you know that defendant Cohn has socialized frequently and recommended the employment in an executive position with a corporation of which Cohn was an officer one Paul M. Hughes, who pleaded guilty to a stock fraud and has been sentenced?"

"I've heard of no such thing and I don't believe it!" the former magistrate retorted.

"If you had heard of such a thing, would you change your conclusion about Mr. Cohn?"

"I suppose I would."

Paul Windels Jr., New York Regional Administrator for the Securities and Exchange Commission from 1956 to early 1961, testified that as counsel for Mr. Cohn in the summer of 1962 he accompanied him to U. S. Attorney Robert M. Morgenthau's office. According to Mr. Windels, called as a defense witness, Mr. Morgenthau advised Mr. Cohn that if he wanted to submit a memorandum, he could do so.

On Wednesday, Mr. Cohn had testified:

"Mr. Windels offered to leave a memorandum with Mr. Morgenthau and Mr. Morgenthau said, 'I don't think you should.'"

John A. Kiser, a Cohn law partner, testified that he went out to Reno in the summer of 1962 to get Garfield to sign a statement which would exculpate Mr. Cohn from any alleged wrongdoing. Garfield had already pleaded guilty and was giving grand jury testimony against Mr. Cohn, charged with conspiring to obstruct justice in keeping a grand jury from learning how the four swindlers avoided indictment in 1959.

Mr. Kiser testified that he went out to see Garfield after the latter told him and Mr. Cohn in Manhattan that "an awful lot of people in government want to get Mr. Cohn. Mr. Kiser also quoted Garfield as saying a "deal" had been arranged for the confessed swindlers "to tell what the government wants to hear" concerning Mr. Cohn.

In addition, Mr. Kiser quoted Garfield as saying a fabrication had been concocted which would involve a "big bribe" for Mr. Cohn and an Assistant U. S. Attorney named Robson. So Mr. Kiser went out to see Garfield in Reno to get him to sign a statement, prepared by Mr. Kiser, in which Garfield would take Mr. Cohn and Mr. Robson off a phony hook.

Mr. Kiser testified that he showed the prepared document to Garfield, who suggested a couple of revisions. Mr. Kiser swore that he made the revisions and handed it back to Garfield, whom he quoted as saying:

"I'll sign it later—after something happens in my case."

Just what Garfield meant by that Mr. Kiser was unable to explain, though it developed Garfield never affixed his signature.

It is the government's contention that Mr. Cohn, who is on trial with lawyer Murray E. Gottesman, was exerting pressure on Garfield to play ball with Mr. Cohn and ~~admit~~ his previous grand jury testimony damaging to Mr. Cohn.



# Didn't Know Cohn Got Fee, Says His Partner

By NORMA ABRAMS

John A. Kiser, a partner with Roy M. Cohn in the law firm of Saxe, Bacon & Shea, conceded on cross-examination at the trial of Cohn and attorney Murray E. Gottesman yesterday that he had not known of a \$10,000 fee Cohn claimed to have received in 1961 from stock swindler Samuel Garfield.

It is the government's contention that Cohn received no such fee for legal services from Garfield but did take \$16,666 from Garfield in 1959. The government holds that was Cohn's share of a \$50,000 bribe paid to keep Garfield and three others from being named in a 1959 indictment handed down in the \$5 million United Dye & Chemical Corp. fraud.

Cohn and Gottesman are charged with perjury and attempting to influence other witnesses before a grand jury in 1962.

#### "Flexible" Relationship

Kiser, a defense witness, said Cohn had a "flexible" relationship with the Saxe, Bacon & O'Shea firm.

Under that relationship, Kiser

said, Cohn was permitted to do "outside work" for clients he had before joining the firm in 1959, and pocketed the fees himself rather than turning them in to the firm.

Questioned by Assistant U.S. Attorney Donald J. Cohn, no relation to Roy, Kiser estimated that



(NEWS foto by Leonard Detrick)  
Attorney Murray E. Gottesman at court.

Cohn brought in about 85% of the firm's new business, kept about 65% of the firm's total profits, and drew an income of about \$250,000 a year.

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#### Denies Any Influencing

On direct examination earlier, Kiser said that at no time during a breakfast meeting with Garfield in the Barclay Hotel on July 17, 1962, did Cohn attempt to influence testimony Garfield was to give a grand jury.

That grand jury sought to learn why Garfield and three associates were not indicted in 1959. The four men later were indicted and pleaded guilty. One charge against Cohn is that he attempted to get Garfield and others to give false testimony to the 1962 grand jury concerning Cohn's activities in 1959.

#### "The Desert Inn Gang"

Louis B. Nichols, now an executive of Schenley Industries, formerly an assistant to the director of the FBI, and a friend of Cohn, was another witness. He testified that William Denis Fugazy—a prosecution witness—told him in 1962 that the gov-

ernment was trying to "get" Cohn.

Cohn has maintained that charges against him are false, and that a small number of men in the Justice Department joined with the Desert Inn "gang" in Las Vegas to "get" him.

A number of character witnesses also testified for Cohn yesterday.

With the trial nearing its end, Federal Judge Archie O. Dawson instructed opposing counsel to submit requests Monday on material they want included in his charge. It appeared likely that testimony would end Tuesday, that motions and summations would be made Wednesday, and that the jury would get the case Thursday or Friday.



# His Co-Defendant Backs Cohn Story At Perjury Trial

By Milton Lewis  
Of The Herald Tribune Staff

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After the defense for Roy M. Cohn rested yesterday, his co-defendant, lawyer Murray E. Gottesman, took the stand at their perjury-conspiracy trial, which may go to the jury on Mr. Gottesman's 57th birthday, Thursday. It began March 23. The medium-sized, balding co-defendant, clutching his spectacles, told this story in Federal Court, thereby corroborating the story told earlier by Mr. Cohn:

On Aug. 18, 1959, Mr. Cohn, on behalf of four subsequently confessed members of a \$5 million stock swindle, advised Mr. Gottesman that the four felt they were innocent and feared indictment because of the "overzealousness" of a young Assistant U. S. Attorney, Leonard Glass.

Mr. Gottesman thereupon called Morton S. Robson, who was then Chief Assistant U. S. Attorney, and who was described by the witness as a "close friend." Exactly one week later—Aug. 25, 1959—Mr. Gottesman related, he had lunch with Mr. Robson and they studiously avoided, Mr. Gottesman swore, discussing the case of the four swindlers involved in the United Dye & Chemical Corp. stock fraud.

It was only that evening, in reading a newspaper, Mr. Gottesman continued, that he learned the four were kept out of a United Dye stock fraud indictment returned against several others that day. The four—indicted in 1960 and again in 1961 and who pleaded guilty in 1962—were only listed as co-conspirators, as distinct from defendants in the 1959 case.

Both Mr. Gottesman and Mr. Cohn, 37, are jointly accused in one count of perjury in testifying to the grand jury about a meeting which the government maintains never occurred. Mr. Gottesman, like Mr. Cohn before him in the same witness chair, swore that on Aug. 19, 1959—one day after Mr. Cohn first approached him—both lawyers met at the Pierre with two of the four swindlers, Samuel S. Garfield and Allen K. Swann.

The defense contends that Garfield, through Mr. Cohn, had retained Mr. Gottesman to arrange for Swann to go before a grand jury, though the defense concedes that no fee was ever paid to Mr. Gottesman. But according to Assistant U. S. Attorney Gerald Walpir, in charge of the prosecution, defendants Gottesman and Cohn never held that hotel meeting—and both Garfield and Swann testified earlier in the trial that there was no such meeting and that they had never seen Gottesman in their life.

Under questioning by his own counsel, Henry K. Chapman, Mr. Gottesman, who until he took the stand almost con-

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stantly held a pipe, offered this explanation of why his trial testimony differed drastically on vital matters from his grand jury testimony in 1962: the government in 1962 had his office diary as well as that of Mr. Robson, and now that he has seen both and heard Mr. Robson testify in court last week, his memory is refreshed and his testimony now is more accurate than it was in 1962.

Earlier yesterday, Mr. Cohn had as character witnesses this pot-pourri:

Supreme Court Justice Irving H. Saypol; Daniel Gutman, dean of New York Law School and once counsel to former Gov. Harriman; two law students who studied under Mr. Cohn; Earl E. T. Smith, investment broker and former Ambassador to Cuba; Edward J. Spellman, Cardinal Spellman's nephew, and Bert Lahr, who testified, "I'm an actor" now appearing in "Foxy."

Mr. Cohn's last "fact" witness was Thomas A. Bolan, one of his law partners in the firm of Saxe, Bacon & O'Shea. Mr. Bolan has been sitting next to Mr. Cohn all through the trial as associate defense-counsel. He was de-

ing examined by chief counsel Frank G. Raichle when he (Bolan) volunteered that where Mr. Cohn had advised a prosecution witness to tell the truth, prosecutor Walpin had told the witness "to forget that."

"Strike that!" Judge Archie O. Dawson ordered. "This is pure heresay (on the part of Mr. Bolan). This is triple heresay."

A little later Mr. Bolan quoted another government witness as having told him that "Mr. Walpin was off on another wild goose chase."

Judge Dawson, banging the bench, thundered:

"Mr. Bolan, you're a lawyer and you know what you're doing is improper! That sort of thing I won't stand for!"

As Mr. Bolan attempted to apologize, the judge continued:

"Here a lawyer gets on the stand and tries to give triple heresay evidence! Mr. Bolan, you've tried cases before me. That's the sort of thing I won't stand for in this court!"

"I'm sorry, your honor," said the chalk-faced Mr. Bolan.



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# Cohn Co-Defendant Heard

By NORMA ABRAMS and SIDNEY KLINE

Roy M. Cohn, having called his 35th defense witness, rested his case in Federal Court yesterday. His co-defendant on charges of perjury and conspiracy—attorney Murray E. Gottesman, 57—took the stand in his own defense.

Crisply, coldly, with his hostility to Assistant U.S. Attorney Gerald Walpin clearly apparent, Gottesman offered his account of a hotel meeting in the Hotel Pierre on Aug. 19, 1959, which the government claims never took place.

## Indictment Charges Lie

Charges against Cohn and Gottesman stem from their testimony to a 1962 federal grand jury which investigated why four men were not indicted in 1959 in the \$5 million United Dye and Chemical Corp. stock swindle.

The indictment against the two charges that they lied to the

grand jury in 1962 and tried, sometimes by threat, to induce other witnesses before the 1962 grand jury to alter their testimony.

## Told Jury of Meeting

It is the government's contention that Cohn and Gottesman had a hand in keeping Samuel Garfield, Allard Roen, Irving Pasternak and Allen K. Swann off the 1959 indictment. In 1960 and 1961, the four were indicted and all pleaded guilty.

In 1962, Cohn and Gottesman told the grand jury of a meeting they attended in Garfield's suite

in 1959 to discuss the pending United Dye indictment.

As prosecution witnesses, Garfield and Swann said there was no such meeting.

Yesterday, Gottesman said there certainly was.

## Gottesman's Version

As Gottesman told it, Cohn got in touch with him in August, 1959 and told him Garfield needed counsel. Gottesman said Cohn told him that Garfield and his associates felt they were "being jobbed," that Assistant U.S. At-

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torney Leonard Glass was "aggressive and looking for self-aggrandizement," and Garfield's group thought someone "higher in the hierarchy" should be asked about the case.

#### Says U.S. Seized Records

Gottesman said he met with Cohn, Garfield and Swann in Garfield's suite in the Pierre Hotel on Aug. 19, 1959, to discuss the matter. Gottesman conceded that he incorrectly had told the grand jury in 1962 that the meeting was in the Hotel Plaza.

But, the witness explained, when he was called before that grand jury he did not know what the proceedings were about, his records had been seized by the U. S. attorney's office and he had had to rely on memory.

Gottesman said that, refreshed with photostated records given to him by court order earlier this year, he now recollected the actual events accurately — and what he was telling Judge Archie O. Dawson and the jury was true.

#### Phoned U.S. Attorney

Gottesman described Garfield, Swann and the hotel suite. He said he listened to Garfield's and Swann's accounts, and phoned Assistant U.S. Attorney Morton Robson, a superior of Glass. Gottesman said he felt justified in going to Robson, whom he knew, to "present the matter."

Gottesman still was on direct examination when the trial was adjourned until today.

Earlier in the day, there were clashes between Walpin and Thomas A. Bolan, a partner of Cohn in the law firm of Saxe, Bacon and O'Shea, and in other business enterprises.

#### Tells of Conversation

Bolan offered testimony contradictory to that of prosecution witnesses. He evoked the judge's wrath when, in testifying of a conversation with Cohn and accountant Eli Boyer, he said: "I remember some casual remark—some joke—that Walpin was off on another wild goose chase..."

"Mr. Bolan," Dawson said sharply. "You're a lawyer. You have tried cases before me. You know what you are doing is improper. This is the sort of thing I won't stand for."

Bolan apologized.

#### Secretary Is Heard

Margaret Garvey of Evansville, Ind., legal secretary to Swann, testified as a defense witness that Swann told her in 1962, after he had been indicted and pleaded guilty, that he would not go to jail but would get off with a fine.



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# Cohn-Gottesman Perjury Trial

By Milton Lewis  
Of The Herald Tribune Staff

## A Summing Up

The jury, which gets the Cohn-Gottesman perjury case this morning, heard rather conflicting views yesterday during six hours of summations.

Where the defense accused the government of having used "polluted sources—swindlers, thieves, oily lawyers full of gas," the prosecution called Roy M. Cohn and Murray E. Gottesman "brazen" liars who perjured themselves before both the grand jury and the trial jury.

The Federal Court summations were peppered with references to two former assistant U. S. Attorneys who are not on trial—Morton S. Robson and Leonard Glass. There had been testimony during the 17-day trial—denied by Mr. Robson—that in 1959 he split a \$50,000 payoff with Mr. Cohn to keep four stock swindlers from indictment. Mr. Cohn also swore it was untrue.

There also had been testimony—with Mr. Glass not coming forward to deny it—that while he was in charge of the 1959 grand jury investigating the \$5 million United Dye & Chemical Corp. securities swindle, he fed grand-jury questions in advance to one of the four swindlers, all of whom subsequently confessed.

Assistant U. S. Attorney Gerald Walpin, in his three-hour wrap-up, made it plain that the government is not at all finished with what went on in 1959 and made

the point that the statute of limitations for obstruction of justice does not run out until August this year. He also said, referring to Mr. Cohn and Mr. Gottesman:

"These defendants prevented them (a 1962 grand jury) from getting the full facts."

Mr. Cohn, 37, counsel 10 years ago to the McCarthy Senate Investigating Committee, is charged with three counts of perjury and four of obstructing justice in that he allegedly threatened and/or influenced witnesses to give false grand-jury testimony in 1962. Mr. Gottesman, 57, today, and also a lawyer, is named in two perjury counts.

It was Henry K. Chapman, counsel for Mr. Gottesman, who led off the summations in a court with 126 seats filled to capacity. It was he who spoke of the "polluted sources" during his one-hour before the panel of 10 men and two women. Mr. Chapman argued that his client, a veteran criminal lawyer, had not committed perjury before the grand jury; he had only uttered "inaccuracies because of the lack of records."

"I don't want to ask where Mr. Glass is," Mr. Chapman said. "I know where he should be. We'd be crazy to bring him in."

Frank G. Raichle, Mr. Cohn's chief counsel, noted that "Leonard Glass . . . is conspicuous by his absence

here." Mr. Raichle called the key government witnesses "craven" and "evasive," and wondered why the government did not put U. S. Attorney Robert M. Morgenthau on the stand. Mr. Cohn has charged that Mr. Morgenthau and Attorney General Robert F. Kennedy conspired to "get" him.

Mr. Raichle took the view that this was the crux of the case: S. Hazard Gillespie, who was U. S. Attorney in 1959, testified at the trial that it was he (Gillespie) who made the decision not to indict the four stock swindlers. Mr. Raichle called the counts and testimony against Mr. Cohn as of the "scatter-gun" variety and hit hard at the testimony of three prosecution witnesses—Samuel S. Garfield and Allard Roen, two of the confessed stock swin-

dlers, and William D. Fugazy, once a close associate of Mr. Cohn's.

Well, prosecutor Walpin responded after listening to Mr. Raichle for two hours, these three people were close friends of Mr. Cohn's and it was Mr. Cohn who picked his friends and business associates, not the government. As to the government not putting U. S. Attorney Morgenthau on the stand, Mr. Walpin said he would have produced Mr. Morgenthau or anybody else—if the defense had only asked him to.

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# COHN'S 2d DAY OF WAITING

By Milton Lewis  
Of The Herald Tribune Staff

The jury that got the Roy M. Cohn perjury case at 11:35 a. m. Thursday, remained deadlocked last night. During the afternoon Mr. Cohn held "court" on the steps of the U. S. Court House.

Mr. Cohn, who is also charged with obstruction of justice by saving four stock swindlers from indictment by allegedly sharing in a \$50,000 pay-off, made this observation: "As time goes by," the chances of "a hung jury become stronger and stronger." The Federal Court panel consists of 10 men and two women, all middle-aged.

The controversial 37-year-old, onetime counsel to the Investigating Committee headed by the late Sen. Joseph R. McCarthy, assessed the situation this way for the press:

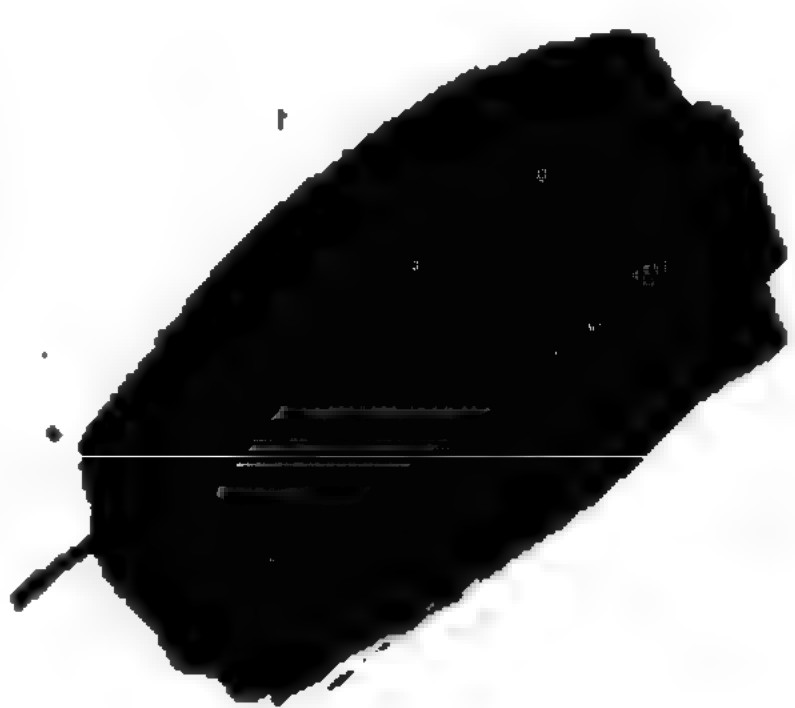
"In a jury room or anywhere else, if you can get 12 people to agree about me about anything, I'd be very much surprised."

Mr. Cohn, on trial since March 23 on three counts of perjury and four of obstructing justice, held "court" on the steps of the Foley Sq. Court House for a group of 35 persons, practically all pro-Cohn. His co-defendant, lawyer Murray E. Gottesman, 57, last Thursday, smoked a pipe just outside the high-ceilinged courtroom in which the 19-day trial was held. Mr. Gottesman was named in two perjury counts.

Swathed in sunshine, about the only question Mr. Cohn

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ducked was one asking him what he thought of Bobby Baker. To that he had no comment.

What did he think of the film, "Point of Order"? dealing with the McCarthy-Army hearings of 1954.

"I liked Tom Jones better."

Did he consider himself a Democrat?

"Yes—conservative."

A general question on Sen. McCarthy brought this answer:

"Communism is still the No. 1 menace in the world. Sen. McCarthy had the quality of courage."

What's David Schine—his sidekick on the McCarthy Committee—doing?

"He's in Florida, married to the former Miss Universe. (Hillevi Rombin, 1955 winner). They have five kids."

Mr. Cohn volunteered that he thought Judge Archie O. Dawson, who presided at the Cohn-Gottesman trial, was an outstanding jurist who conducted cases "right down the middle," favoring neither the defense nor the government.

Total strangers walked up to Mr. Cohn and wished him well, saying they were sure the government was out to "get" him. On that score, Mr. Cohn reiterated that "a lot of forces are arrayed against me," and "it's been an uphill fight."

Did he feel relaxed?

"Relaxed as you could be under these circumstances. I'm not a complainer, as the boys in this building know. It's (on-repeating this phrase he said, "It's not a part...") a part of life."

Mr. Cohn allegedly thwarted justice by refusing to co-operate with a 1962 grand jury, which tried to learn why four subsequently confessed members of a \$5 million stock swindle combine were not indicted in 1959. The stock involved the United Dye and Chemical Corp.

There was testimony that two of the swindlers paid out \$50,000 in 1959 to duck indictment. The two stock manipulators testified that one-third of the \$50,000 went to Mr. Cohn and the other two-thirds to Morton S. Robson, chief Assistant U. S. Attorney in 1959. Both Mr. Cohn and Mr. Robson denied getting any part of the cash, allegedly slipped to them in 1959 in the Desert Inn, Las Vegas, Nev.

There also was testimony that another assistant U. S. Attorney in 1959, Leonard Glass, submitted in writing to one of the four swindlers questions he was going to put to him in the grand jury room in 1959. Mr. Glass has never issued a denial to this testimony, heard in open court.

Mr. Cohn was asked if he had been able to sleep Thursday night when the jury was locked up in the Hotel Manhattan. Mr. Cohn answered:

"Yes, I got about six hours' sleep."

As for the jury, it showed up yesterday in court at 9:45 a. m., 15 minutes ahead of time, and it took only a one-hour break for lunch.



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# Dear Juror's Family Mistrial for Cohn Sought

By Milton Lewis  
 Of The Herald Tribune Staff

The state of the Roy M. Cohn perjury trial was thrown into confusion last night when word was received that the father of one juror had died. The defense indicated it would ask for a mistrial.

Earlier in the day, what had been interpreted as a sign of progress in the jury's long deliberation, was the foreman's word to the judge:

"We are making very good progress."

Federal Judge Archie O. Dawson received that verbal message at 5:10 p. m., almost 78 hours after the jury got the case at 11:35 a. m. Thursday.

The jury revealed its "progress" through its foreman, Harold Bertha, a soft drink salesman. This was after the

judge asked him "how are you doing?" Shortly before the jury had asked a question concerning the two perjury counts against Mr. Cohn's co-defendant, lawyer Murray E. Gottesman.

Just before 6 p. m. the jury broke for dinner and, because of the rain, were taken by police van from the Federal Courthouse to a nearby restaurant. Normally, they would have walked.

Earlier in the afternoon the jury of ten men and two women sent in what Judge Dawson called "an almost illiterate" note.

Where each juror had received a copy of the indictment when the trial began March 23, none seemed to have one now.

Suddenly, there was a near-skirmish in the courtroom, in the absence of the jury and the judge, between the Chief

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The Washington Post and Times Herald \_\_\_\_\_  
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 New York Journal-American \_\_\_\_\_  
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 People's World   /    
 Date \_\_\_\_\_

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**46 APR 23 1964**

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36 APR 23 1964



Prosecutors, they Gerald Walpin, and burly Henry K. Chapman, counsel for Mr. Cohn's co-defendant, Murray E. Gottesman.

"Don't you yell at me! Don't push me, Mr. Chapman!" Mr. Walpin yelled at the lawyer.

The two adversaries were arguing as to whether the original indictment should be sent in to the jury, since the first count, conspiracy to obstruct justice, was stricken as a matter of law by Judge Dawson last Monday. The yelling and alleged pushing over, Judge Dawson mounted the bench and put an "X" through that first count of a fresh copy of the indictment and sent it in to the jury, which began work at 1 p.m. yesterday. Jury members have spent Thursday, Friday and Saturday night at the Hotel Manhattan. They were locked up at 10:30 each evening.

The request for a copy of the indictment cheered the prosecution and depressed the defense, with both sides interpreting it to mean that a definite decision had been reached on one or more counts, using the document as a box score.

Shortly after the seemingly non-bickering jury arrived by bus at the Foley Square Courthouse, Mr. Cohn offered to put \$1 into a pool. His prediction: at about 11:00 last night, meaning Sunday night, the jury would be excused, hopelessly deadlocked, with the vote being 9 to 3 or 8 to 4 in his favor.

But after the panel sent for a copy of the indictment, Mr. Cohn frowned and said: "All bets are off."

Mr. Cohn seemed quite depressed as the jury went to dinner and volunteered that his jury was deliberating the longest of any jury in a case where testimony lasted less than four weeks.

At no time has the jury advised the judge that it is deadlocked on even one of the nine counts. Five—three against Mr. Cohn and two against Mr. Gottesman—charge perjury, while four others accuse Mr. Cohn of obstructing justice.

The defendants were accused by a 1962 grand jury which tried to learn how four subsequently confessed stock swindlers avoided indictment in 1959. There was testimony from two of the swindlers involved in the United Dye and Chemical Corp. stock fraud that they paid \$50,000 in cash to duck indictment—one-third of the payoff going to Mr. Cohn and two-thirds to Morton S. Robson, Chief Asst. U. S. Attorney in 1959. Both Mr. Cohn and Mr. Robson gave the lie to this testimony.

On arriving in court yesterday, Mr. Cohn said, as the fourth day of jury deliberations were about to begin in the four-week-old trial:

"I feel like I've served a sentence already."

If convicted, Mr. Cohn, 37, and Mr. Gottesman, 57, also a lawyer, face up to five years on each count and automatic disbarment.





**IN A STATUESQUE POSE, Judge Archie O. Dawson awaits verdict at courthouse.** Herald Tribune photo by BOB NOBLE



(Mount Clipping in Space Below)

# Roy Cohn's Mistrial— What the Jurors Say

By PAUL HOFFMAN

Roy M. Cohn would have been convicted by a federal court jury had the deliberations continued, several members of the jury indicated to The New York Post today.

The foreman—Harold T. Bertha, a soft-drink salesman from Pearl River—said the jury probably would have reached its verdict some time today.

That verdict, these panelists said, would have found Cohn and his codefendant Murray E. Gottesman guilty on two or three counts of the nine-count indictment.

Final ballots were running 9-3, 10-2 and 11-1 for conviction, these jurors said.

Cohn, the one-time "boy wonder" of the U. S. Attorney's office and the McCarthy Senate Investigating subcommittee who now heads a New York law firm, won a mistrial last night because of the death of a juror's father, James Gaston.

The panelists identified the bereaved juror—Mrs. Aribelle Mabrey of 2190 Madison Av.—as the last holdout for Cohn.

Judge Dawson discharged the panel at 9:21 p.m., after nearly four full days of deliberation.

## New Date Due

The date for a new trial will be set today in Federal Court. Cohn indicated he won't be there—but will be down the street in Supreme Court where he is attorney of record in an annulment case. Associates have been handling the trial until now.

(Lawyers believe that most defendants who got a second trial after a mistrial have a good chance of acquittal. The reason most often suggested is that the defense has had a look at the prosecution's entire case.)

When Mrs. Mabrey was excused, the prosecution—headed by Asst. U. S. Atty. Walpin—asked to proceed with 11 jurors. Federal law allows this if both sides agree. The defense did not



Post Photo by Pomerantz

ROY M. COHN

and moved for a mistrial.

"The defendant has a constitutional right to a jury of 12," said Cohn's lawyer, Frank Raichle.

Foreman Bertha bitterly denounced the defense action and outside the courthouse engaged in a vehement discussion of the issue with Thomas A. Bolan, associate defense counsel and a partner in Cohn's law firm, Saxe Bacon & O'Shea, 598 Madison Av.

"It's a shame the way the courts are abused," Bertha said as he headed for home. "Why couldn't we have stayed in there with 11 men and tried the case? What was being hidden?"

Cohn expressed his confidence

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
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Mr. Tavel	_____
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Miss Holmes	_____
Miss Gandy	_____

Indicate page, name of newspaper, city and state.)

3 NEW YORK POST

Date: 4/20/64  
Edition: LATE CITY  
Author: PAUL HOFFMAN  
Editor: DOROTHY SCHIFF  
Title: MORTON ROBSON FOR-  
MER AUSA SDNY; ROY COHN  
UNDER INVESTIGATION  
Character: BRIBERY  
or  
Classification: BU 58-5100  
Submitting Office: NYO

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that the jury would have acquitted him.

According to the jurors, it looked that way when they received the case Thursday morning after 18 days of trial. The first vote ran roughly 8-4 for acquittal, they said, and the stand-off continued through Friday and Saturday. Cohn even won acquittal on four counts.

"The big break came yesterday morning," one juror said, "after the reading of the testimony."

He referred to testimony — reread late Saturday night — about an August, 1959 meeting at the Hotel Pierre of Cohn, Gottesman and two swindlers in the United Dye stock fraud case.

The government charged that no such meeting occurred and that the story was fabricated by Cohn and his associates to conceal their attempts to fiv the grand jury's investigation.

#### **Bribe Charged**

Two convicted swindlers testified that they fixed the inquiry with a \$50,000 bribe, split by Cohn and Morton S. Robson, then Chief Asst. U. S. Atty. Both Cohn and Robson denied the charges.

"Yesterday morning, some of the boys went to church," he continued. "The others were permitted to visit one another [in the rooms and corridors of the Hotel Manhattan]. We got things straightened out then."

"When we got into the jury room after lunch, we had a more definite decision on those counts. The vote was 11-1 with a possibility of all agreeing on guilty—providing we could agree on the other counts."

The jury was also reportedly prepared to convict Gottesman of perjury, but on only one count.

Two counts related to Gottesman's accounts of the Hotel Pierre meeting—one before a 1962 grand jury, the other before a 1963 panel.

"We gave him the benefit of the doubt in the first case," a juror explained.

#### **Cohn Charge Grudge**

After the mistrial declaration, Cohn held an impromptu press conference on the courthouse stairs. He said he was thankful that he lived in a country where he could have a fair trial, even though "a few temporary officeholders who have a grudge against me" are "out to get me."

This was a reference to his oft-repeated charge that he was "framed" by Atty. Gen. Kennedy and U. S. Atty. Moregen-thau in revenge for his work with the late Sen. Joseph R. McCarthy (R-Wis.).



# Mistrial in Cohn Case; U.S. to Seek New Test

By JOSEPH COHEN

The Federal Government goes into court today to seek a new trial for attorneys Roy M. Cohn Jr., and Murray Gottesman on charges of perjury and obstruction of justice.

The case will probably not come up immediately, since Federal Judge Archie H. Dawson is scheduled to begin another trial today and that would have to be concluded before he could sit again to hear the case against the two attorneys.

It is court custom to have the same judge sit when a case is re-tried.

The first trial ended in a surprise declaration of mistrial last night when the father of one of the jurors died, forcing the panel's dismissal.

Mr. Cohn expressed his regret at the manner in which the trial came to a halt.

"I'm sorry. I think if the jury was able to complete its deliberation, there would have been an acquittal," he added. "About a new trial, it's a little early to worry about that."

## JUROR'S FATHER DIED

Judge Dawson's ruling came after 16 days of testimony and more than 30 hours of deliberation by the jury of 10 men and two women over a period of four days.

The dramatic announcement, at 9:21 p.m., followed news of the death of James Gaston of 212 W. 148th st., Harlem, father of Mrs. Arabella Maybrey of 2190 Madison ave.

Only two hours before, the jury had reported it was "making progress" towards reaching a verdict.

At the end, the jury was

reported as being unanimous for acquittal of Mr. Cohn on four counts and deadlocked on three other counts against him and on two others against his co-defendant, Murray Gottesman, 57.

But it had been apparent that it would have taken the panel at least another day to reach its verdict. Minutes before the mistrial announcement, it had sent word to Judge Dawson, in substance: "Our nerves are frazzled. May we go to a hotel for the night now?"

## ASKED VERDICT BY 11

In a bid to end the trail, Judge Dawson asked opposing counsel whether they would accept a verdict by 11 jurors. The Government agreed. But the defense refused.

Members of the jury were dismayed at the mistrial. One,



ROY M. COHN

"... I Regret ..."  
Journal-American Photo by Raymond Lee

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People's World \_\_\_\_\_  
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Mrs. Frances Yohay of 1208 College ave., Bronx, said:

"We all put our heart and soul into this. We were getting conflict, but we were beginning to see eye to eye."

News of Mr. Gaston's death swept through the courthouse as the jury returned from a dinner recess and prompted a series of conferences between Judge Dawson and the Attorneys for both sides.

When the defense attorneys exercised their privilege to decline to have the 11-member jury continue its deliberations, the government lawyers made one last attempt to seek an end to the trial. They asked Judge Dawson to accept the decision of the 12 jurors on any counts on which they already had agreed.

#### NO PRECEDENTS

Judge Dawson asked the attorneys to produce legal precedents for such a ruling. The attorneys hurriedly consulted books in the courthouse law library but returned to the judge's chambers a half hour later without the precedents.

Mr. Cohn and Mr. Gottesman had been charged in nine separate counts of lying and



**MURRAY GOTTESMAN**  
*Co-Defendant in Cohn Case*

Journal-American Photo by Seymour Kac

obstructing a 1962 grand jury investigating how four swindlers had escaped indictment in 1959 in the \$5 million United Dye and Chemical Corp. stock fraud case.

The charges against Mr. Cohn could bring a 35-year prison term and \$26,000 fine. Mr. Gottesman could receive 10 years and a \$4,000 fine.



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 Mr. Belmont \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Casper \_\_\_\_\_  
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 Mr. Rosen \_\_\_\_\_  
 Mr. Sullivan \_\_\_\_\_  
 Mr. Tavel \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

## Cohn Retrial Set for Early June; Judge Picked Over U.S. Protest

**Ryan Cites Complications of  
Case in Selecting Bonsal  
to Preside in Court**

By EDWARD RANZAL

Federal Judge Dudley B. Bonsal was assigned yesterday to preside at the retrial of Roy M. Cohn on charges of perjury and obstruction of justice. The trial will probably start in early June.

Judge Bonsal was selected by Chief Judge Sylvester J. Ryan, under a procedure that the Government objected to.

After the first trial of Mr. Cohn and Murray E. Gottesman, a co-defendant, ended in a mistrial last Sunday, the Government sought to have the case referred to a judge sitting in a part of the court where the United States Attorney controls the calendar.

This might have allowed the government to maneuver the case before a judge it felt would be favorable to the prosecution.

But Judge Ryan said he thought the case was complicated enough for him to assign a judge to hear all pre-trial motions and to preside at the trial. He said that the calendar of Judge Archie O. Dawson, who presided at the first trial, prevented him from presiding at an early retrial.

Gerald Walpin, Assistant United States Attorney, protested that the "matter should be normally handled and not specially treated."

Angrily, Judge Ryan snapped: "I am a little concerned with what prompts you to make these statements. Are you questioning my jurisdiction? I don't think this is any special treatment."

Frank G. Raichle, lawyer for Mr. Cohn, who was not in court, supported Judge Ryan's position. He said the case involved a number of problems, including new motions and witnesses not available to the defense at the first trial.

Judge Bonsal, who was sworn in in December, 1961, was one of the first judges appointed in the Southern District of New York by the late President John F. Kennedy.



Associated Press  
Judge Dudley B. Bonsal

He is soft-spoken and inclined to be genteel in approach.

Judge Bonsal's first complicated and important case was the stock-fraud trial last September of Gerardo A. (Jerry) Re and his son, Gerard F. They were convicted.

The indictment against Mr. Cohn and Mr. Gottesman, also a lawyer, grew out of an alleged attempt to prevent the indictment in 1959 of four men in a \$5 million United Dye and Chemical Corporation stock swindle.

Henry K. Champman, Mr. Gottesman's lawyer, said that he will argue Monday for a trial severance. He said that coupling Mr. Gottesman with Mr. Cohn was "prejudicial."

In an accompanying affidavit, Mr. Gottesman said that Mr. Cohn was a controversial person, who has received a tremendous amount of publicity in the last ten years.

"This publicity was not all favorable to him and reflected adversely on me because of my being named as a co-defendant in this indictment," Mr. Gottesman said.

(Indicate page, name of newspaper, city and state.)

11 NEW YORK TIMES

Date: 4/25/64  
 Edition: LATE CITY  
 Author: EDWARD RANZAL  
 Editor: TURNER CATLEDGE  
 Title: MORTON ROBSON, former AUSA-SDNY; ROY COHN, UNDERINVESTIGATION  
 Character: BRIDERY  
 or  
 Classification: BU-58-5100  
 Submitting Office: NYO

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WUPI-96

(COHN)

NEW YORK.--THE RETRIAL OF ROY M. COHN, FORMER COMMUNIST-HUNTING  
 AIDE OF SEN. JOSEPH R. MCCARTHY, ON CHARGES OF PERJURY AND OBSTRUCTION  
 OF JUSTICE WAS SCHEDULED TODAY FOR JUNE 9 BY FEDERAL JUDGE DUDLEY  
 BONSAL.

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WASHINGTON CAPITAL NEWS SERVICE



## Gottesman Must Stand Retrial With Cohn

Roy M. Cohn, co-defendant, must stand retrial jointly with him, Federal Judge Dudley B. Bonsal ruled yesterday.

Murray E. Gottesman, 57-year-old lawyer, thereby lost his motion to be tried separately on perjury charges. The judge, who will preside at their second trial on June 9, found no merit in Mr. Gottesman's contention of anti-Cohn prejudice "spilling over" and "blackening" him.

On April 19, after a 21-day trial in which the jury deliberated for four days, a mistrial was declared because the father of one of the jurors died unexpectedly. At the time, according to the jury foreman, the panel stood at 11 to 1 for the conviction of Mr. Cohn on one perjury count. Mr. Cohn, now 37, served as counsel to the Senate Investigating Committee headed by the late Sen. Joseph R. McCarthy.

Judge Bonsal held that Mr. Gottesman failed to make "a strong showing of prejudice" and "in the exercise of the court's discretion his motion is denied."

While both defendants are charged with perjury, Mr. Cohn is also accused of obstructing justice. The indictment against them—including a count thrown out at the first trial alleging conspiracy—stems from their allegedly saving four subsequently confessed stock swindlers from being indicted in 1959. Judge Archie O. Dawson presided at the first trial.

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(COHN)

NEW YORK--FEDERAL JUDGE DUDLEY B. BONSAL DENIED MOTIONS TODAY TO POSTPONE THE JUNE 9 PERJURY-OBSTRUCTION OF JUSTICE RETRIAL OF ATTORNEY ROY MC COHN OR TO MOVE THE TRIAL TO ANOTHER CITY.

FRANK C. RAICHE, ATTORNEY FOR THE ONETIME ASSOCIATE OF THE LATE SEN. JOSEPH MCCARTHY, SOUGHT TO POSTPONE THE RETRIAL UNTIL THE FALL. HE ALSO CLAIMED THAT THE WIDE PUBLICITY GIVEN COHN'S FIRST TRIAL WOULD MAKE IT IMPOSSIBLE TO SELECT AN UNPREJUDICED JURY HERE.

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WASHINGTON CAPITAL NEWS SERVICE



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# Cohn Loses Move For Trial Delay Or Venue Change

NEW YORK, May 26 (AP) — Attorney-financier Roy M. Cohn today lost a bid for a delay and a change of venue for his second trial on charges of perjury and obstruction of justice.

The first case ended in a mistrial April 19. The second trial has been set for June 9.

Cohn had asked Federal Judge Dudley B. Bonsal to delay the retrial until autumn or move it elsewhere. He contended that extensive publicity made it impossible to select an unprejudiced jury here. Bonsal turned down both requests. Cohn is accused of lying to a 1962 Federal grand jury investigating a stock fraud.

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 New York Herald Tribune \_\_\_\_\_  
 New York Journal-American \_\_\_\_\_  
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# Witness Against Cohn 'Untruthful,' Judge Says

By Milton Lewis <sup>23</sup>  
Of The Herald Tribune Staff

William Denis Fugazy, a government witness in the Roy M. Cohn perjury case, gave "wholly untruthful" testimony in a civil suit, a judge charged yesterday.

Mr. Cohn is expected to use this to advantage when Mr. Fugazy again undergoes cross-examination by the defense at Mr. Cohn's second trial, scheduled to begin Tuesday.

The first ended in a mistrial on April 19, when, after a Federal Court jury had been deliberating for four days after a four-week trial, the father of one of the jurors died. According to the jury foreman, the panel stood 11 to 1 for the conviction of Mr. Cohn on one perjury count.

It was Supreme Court Justice Henry Clay Greenberg who accused Mr. Fugazy of having given "wholly untruthful" testimony. Mr. Fugazy is head of a travel bureau and was formerly associated with Mr. Cohn in championship heavyweight fight promotions run by Feature Sports, Inc.

## FUGAZY SUIT

Justice Greenberg sounded off as the result of a suit brought by the late Humbert J. Fugazy against his nephew, William Fugazy, and Mr. Cohn for money allegedly due him under a contract with Feature Sports, Inc., in the promotion of two Ingemar Johansson-Floyd Patterson heavyweight boxing matches.

According to Justice Greenberg, the suit was settled in an agreement by which William Fugazy and Mr. Cohn were to pay the elder Mr. Fugazy \$35,300 over a period of years. The F. Fugazy, widow of Humbert Fugazy, who died last April, sued when the nephew defaulted on payments.

At a hearing before Justice Greenberg, William Fugazy took the position that he was unaware he had obligated himself to make payments to his aunt. It was this contention that Justice Greenberg, who took part in the settlement, scored, saying:

"The testimony of the defendant Fugazy was wholly untruthful and apparently designed for the purpose of placing the onus on the defendant Cohn alone and escaping his clear obligation under the stipulation of agreement."

Also:

"Three witnesses, all members of the bar, who participated in the settlement discussion, testified that the stipulation of settlement was read to the defendant Fugazy, that he understood what his liability was, and that while he was not happy about the situation he accepted it."

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# Cohn May Defend Himself; Retrial Opens Tuesday

By Milton Lewis  
Of The Herald Tribune Staff

"A lawyer who represents himself has a fool for a client."

Roy M. Cohn made that observation last September, when he was indicted for perjury and obstruction of justice and stressed he would hire counsel to defend him.

As matters stood yesterday, there was a chance that Mr. Cohn will be defending himself when his retrial starts, scheduled for Tuesday in Federal Court. The first trial ended in a mistrial April 19, when, after four days of deliberations, the father of one of the jurors died. According to the jury foreman, the panel stood at 11-to-1 for conviction of Mr. Cohn on one perjury count.

Mr. Cohn, who was counsel to the Senate Investigating Committee headed by the late Sen. Joseph R. McCarthy, was represented at the first trial by Frank G. Raichle, of Buffalo. Assisting Mr. Raichle was one of Mr. Cohn's law firm associates, Thomas A. Bolan.

Since that trial ended, Mr. Cohn has been making repeated—but unsuccessful attempts—to have the retrial delayed at least until the fall, and as an alternative, has petitioned for a change of venue. This was denied, too.

It was understood that Mr. Raichle has advised Judge Dudley B. Bonsal, who will preside at the retrial, that he

has other commitments, that his 90-year-old mother is ailing and that he would prefer to withdraw from the case if the court insists on Tuesday as the starting date.

It is within Judge Bonsal's power to order Mr. Raichle to remain as counsel.

With Mr. Raichle eager to withdraw and Judge Bonsal being adamant about Tuesday, Mr. Cohn recently approached veteran lawyer Emile Zola Berman, who won international publicity a few years ago in defending a Marine Corps sergeant charged with the death of six recruits during a forced training march.

Mr. Berman who was interested in taking over the defense, conferred with Judge Bonsal. He explained that he was presently busy with other court cases, would need time to prepare to defend Mr. Cohn and suggested he would be ready by late August or early September.

But Judge Bonsal stood fast, saying the retrial must begin Tuesday.

That's the way matters stood yesterday, with the possibility that Mr. Cohn will act as his own lawyer.

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The Washington Daily News \_\_\_\_\_  
The Evening Star \_\_\_\_\_  
New York Herald Tribune \_\_\_\_\_  
New York Journal-American \_\_\_\_\_  
New York Mirror \_\_\_\_\_  
New York Daily News \_\_\_\_\_  
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The Wall Street Journal \_\_\_\_\_  
The National Observer \_\_\_\_\_  
People's World \_\_\_\_\_  
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Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
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## TRIAL OF COHN WILL BEGIN TODAY

New Jury to Be Chosen in  
Federal District Court

By HOMER BIGART

The selection of a jury will begin today for the retrial of Roy M. Cohn and Murray E. Gottesman on Federal charges of perjury and obstruction of justice.

The first trial in Federal District Court ended in a mistrial on April 19, when one juror's father died. The jury had deliberated four days and reportedly was near a verdict.

When Judge Archie O. Dawson excused the juror, Mrs. Arabelle Mabrey, counsel for Mr. Cohn refused to waive the constitutional right to a 12-man jury—thus forcing a mistrial.

Judge Dawson had dismissed count one of the 10-count indictment. This count alleged that Mr. Cohn and Mr. Gottesman had conspired to commit perjury and to obstruct justice.

Of the nine remaining counts, three charged Mr. Cohn with perjury, four charged Mr. Cohn with obstructing justice and two charged Mr. Gottesman with perjury.

### \$5 Million Stock Swindle

All these counts related to grand jury proceedings resulting from an investigation by the Government in the \$5 million stock defrauding of United Dye and Chemical Corporation.

Three key Government witnesses against the defendants were convicted swindlers. They were Samuel S. Garfield, Allen K. Swann and Allard Roen.

Although they pleaded guilty in March, 1962, they have not yet been sentenced. This has led Mr. Cohn to charge the existence of a deal.

Under this charge the three swindlers could expect leniency if they testified that Mr. Cohn had tried to quash a 1959 indictment against them and that Mr. Cohn later lied to a grand jury in an attempt to cover his tracks.

The prosecution has denied any deal and has pointed out that the judge alone decides the severity of the sentences.

This time the judge will be Dudley B. Bonsal, former president of the Association of the Bar of the City of New York. He was one of the first judges appointed in the Southern District of New York by President Kennedy.

### Defense Counsel a Question

Gerald Walpin, chief of the special prosecutions division of the United States Attorney's office, will again head the prosecution, but it was still questionable last night whether Frank O. Raichle of Buffalo would serve as counsel for Mr. Cohn.

Last week Mr. Raichle notified Judge Bonsal that he wished to withdraw as defense counsel because of the critical illness of his 90-year-old mother and because of previous commitments.

Judge Bonsal has enjoined both the Government and the defense counsel from making statements to the press.

Besides choosing 12 regular jurors it is expected that the court will appoint four alternates.

(Indicate page, name of newspaper, city and state.)

36 NEW YORK TIMES

Date: 6/9/64

Edition: LATE CITY

Author: HOMER BIGART

Editor: TURNER CATLEDGE

Title: MORTON ROBSON

FORMER AUSA SDNY; ROY COHN

Character: BRIBERY

or

Classification: BU 58-5100

Submitting Office: NYO

☒ Being Investigated

58-5100-A

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## U.S. MEMORANDUM ON COHN SOUGHT

### Defense Hopes to Clarify Role in Stock Inquiry

By PETER KIHSS

The defense in the Roy M. Cohn perjury retrial sought yesterday to obtain a Federal prosecutor's memorandum concerning a visit by Mr. Cohn to an assistant United States attorney in 1959.

Mr. Cohn's lawyer, Frank G. Raichle, hopes this memorandum that Mr. Cohn had made an open inquiry on behalf of stock sellers threatened with indictment.

Mr. Raichle told Federal Judge Dudley B. Bonsal that the defense had heard there was such a memorandum by former Assistant United States Attorney Leonard R. Glass. This, he said described a visit made by Mr. Cohn to Mr. Glass about Aug. 9 or 10, 1959.

Assistant United States Attorney Gerald Walpin said he would produce any such memorandum for the judge's study and ruling before the retrial resumes at 10 A.M. today.

The defense request came after Samuel S. Garfield, the leading prosecution witness and a confessed stock swindler, had renewed testimony that he gave on March 30 in the first trial. Garfield said that he asked Mr. Cohn early in June, 1959, to find out about "rumblings" of a Securities and Exchange Commission investigation of sales of United Dye and Chemical Corporation stock.

About a week later, Garfield said, Mr. Cohn "told me there was an investigation going on." Garfield said Mr. Cohn told him

that "it wasn't too serious," and "he thought he could handle the matter for me and the people with me." Garfield said he was concerned about himself and five other individuals.

"I asked him what he thought it was going to cost," Garfield went on. "He told me if we did not get indicted, it would cost \$50,000. If we did get indicted, it would cost us nothing. I told him it was satisfactory to me."

Garfield testified that Mr. Cohn had him come to New York in mid-August, 1959, "because they were going to finalize the indictments." Garfield said that he arrived here Aug. 17, 1959. At that point the jury was excused until 10 A.M. today.

Mr. Cohn, on grand jury testimony read at the trial, had said Garfield asked him to make inquiries about the investigation in "late summer." Thereafter, Mr. Cohn had testified, he went to the United States Courthouse and learned from Assistant United States Attorney Glass, in charge of the investigation, that Garfield was involved in charges of sale of unregistered stock.

#### Dates Disputed

Mr. Raichle told Judge Bonsal that Mr. Cohn had acted "through channels," and appealed for a look at the reputed memorandum by Mr. Glass. He contended the defense would show Garfield's testimony about June conversations was wrong.

The dates are among issues bearing on the charges of perjury against the former aide to Senator Joseph R. McCarthy. Earlier, Judge Bonsal had told Mr. Walpin to delay an attempt to show conflicts in stories by Mr. Cohn about his relationship with Garfield until Mr. Cohn takes the stand.

Mr. Walpin had sought to introduce an S.E.C. memorandum in which Mr. Cohn in May, 1960, reportedly said he "never represented" Garfield. Mr. Raichle argued the word "represented" should be understood to

cover an appearance in a proceeding.

The prosecution once again presented two Federal Bureau of Investigation agents, Martin F. Maher and James T. Blasingame, in an effort to show contradictory stories by Murray E. Gottesman, Mr. Cohn's co-defendant. Their first trial ended in a mistrial after one of the jurors was excused because of her father's death.

(Indicate page, name of newspaper, city and state.)

33

NEW YORK TIMES

Date: 6/16/64

Edition: LATE CITY

Author: PETER KIHSS

Editor: TURNER CATLEDGE

Title: MORTON ROBSON FORMER AUSA SDNY; ROY COHN

Character: BRIBERY

or

Classification: BU 58-5100

Submitting Office: NYO

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46 JUN 23 1964

68 JUN 24 1964



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# Cohn Witness Denies Buying Clothes in Expectation of Freedom

By PETER KIHSS

A confessed swindler, still awaiting sentencing, said yesterday he had bought about 12 suits at \$265 apiece, some sport coats and 30 shirts while here as star Government witness in the Roy M. Cohn perjury trial.

Under defense cross-examination, however, Samuel S. Garfield, the witness, denied this meant he was "making plans inconsistent with going to jail." Garfield, who pleaded guilty March 19, 1962, to a 1961 indictment for conspiring to violate securities laws, had testified that he had given Mr. Cohn "one-third of \$50,000" for helping him escape an earlier indictment in 1959.

"When you testified, you were so sure you wouldn't go to jail that you went to your tailor and bought 14 suits of clothes right here in New York City?" asked Frank G. Raichle, counsel for the former aide to Senator Joseph R. McCarthy's investigations.

"I didn't buy them on that account," Garfield protested. He also reduced the purchase to "about 12" suits, and denied he had told the tailor he planned to go on a cruise around the world.

Meanwhile, Assistant United States Attorney Gerald Walpin told Federal Judge Dudley B. Bonsal that the case had included an investigation of Leon-

ard R. Glass, who in 1959 was an assistant United States Attorney conducting an inquiry into Garfield's activities. "The fact is that that investigation is certainly not dead," Mr. Walpin said.

Mr. Walpin was objecting to turning over to the defense memorandum by Mr. Glass that the defense said would show that Mr. Cohn on Aug. 12, 1959, visited him as a lawyer making an open approach on behalf of Garfield. Mr. Cohn had contended his aim was simply to learn whether Garfield was under investigation.

Judge Bonsal ruled "in my discretion in the interests of justice" that the memorandum

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Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

(Indicate page, name of newspaper, city and state.)

30 NEW YORK TIMES

Date: 6/17/64  
Edition: LATE CITY  
Author: PETER KIHSS  
Editor: TURNER CATLEDGE  
Title: MORTON ROBBIN FORMER  
AUSA SDNY; ROY COHN

Character: BRIBERY

or

Classification: BU 58-5100

Submitting Office: NYO

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should be made available to the defense. I'm not making it public," he emphasized.

Under cross-examination by Mr. Raichle, Garfield again testified yesterday that one of his associates, Sidney Barkley, had obtained in advance from Mr. Glass questions that were to be asked in the 1959 grand jury. He said the questions were to be addressed to a Garfield lawyer, Allen K. Swann, who has since pleaded guilty to illegal securities manipulation in the same case.

Garfield, 64 years old, a resident of Clare, Mich., was sharply raked over by Mr. Raichle.

Mr. Raichle brought out that Garfield still had pending

against him two other securities indictments with a total of about 60 counts, each involving potential penalties of five years and \$10,000.

Garfield conceded he hoped for leniency on the ground that "I cooperated with the Government and told the truth about everything I knew."

On direct testimony, Garfield said that after his plea of guilty, he testified to a grand jury and this led to "threats" by Mr. Cohn against him and his associates. He said he then agreed to go along with a story Mr. Cohn made up about their relationship, but he told the judge and jury yesterday that story was not true."



# Cohn Trial: Ex-Con Tells of Conspiracy

By Milton Lewis  
Of The Herald Tribune Staff

A Federal prosecutor supplied grand jury questions in advance to a swindler in exchange for "a lot" of future legal business as a private practitioner, an ex-convict testified yesterday at the Roy M. Cohn perjury retrial.

The witness, Sidney Barkley, swore in Federal Court that he obtained in 1959 a list of grand jury questions from then Assistant U. S. Attorney Leonard Glass which were to be put to Allen K. Swann, a subsequently confessed stock swindler. Mr. Glass was, in charge of the grand jury investigating a \$5 million United Dye & Chemical Corp. stock fraud.

Barkley testified that he gave the questions to Samuel S. Garfield, a fellow swindler of Swann's, for passage to the latter. At about the same time, according to Barkley, Mr. Glass said he (Glass) hoped he would "get some business from Mr. Garfield when he and (Glass) got out of the U. S. Attorney's office."

"You can tell him (Glass) he can really look forward to a lot of business when he gets out of the U. S. Attorney's office," Barkley quoted Garfield as saying.

Mr. Glass was in that office from February, 1959, to January, 1960, and has been in

private practice since. He has an office on Madison Ave.

After Swann, prepared with advance questions, testified before the grand jury in August, 1959, the panel kept him, Garfield and two other swindlers out of an indictment filed against several others.

And right after that indictment—not naming the four—as opened, Barkley testified that he and Mr. Glass went on a trip to Los Angeles and Las Vegas.

And Barkley admitted that he lied to the FBI when he told its agents that Mr. Glass paid his own expenses. Barkley also conceded, while under cross-examination by Mr. Cohn's lawyer, Frank G. Raichle, that he (Barkley) lied when he told the FBI that he and Mr. Glass did not discuss "business."

Mr. Cohn is on trial on perjury and obstruction of justice charges, along with lawyer Murray E. Gottesman, charged only with perjury. Their indictment stems from a 1962-'63 grand jury's attempts to learn why Swann, Garfield and their two fellow swindlers—all of whom subsequently were indicted and pleaded guilty—were not named in that 1959 indictment. As for Barkley, he has also pleaded guilty to being in on the swindle and is awaiting sentence.

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The Washington Post and Times Herald \_\_\_\_\_  
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## Cohn Trial: U.S. Rests

After 15 days of presenting evidence, the prosecution rested yesterday in the Roy M. Cohn retrial in Federal Court on perjury and obstruction of justice charges. The defense will start today.

The government called 23 witnesses, and it was expected that the defense

will summon about the same number it did at the first trial ended in a mistrial on April 19, when the father of one of the jurors died. Murray Gottesman, like Mr. Cohn a lawyer, is a co-defendant, though he is charged only with perjury in a case stemming from a \$5 million stock swindle.

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 The Evening Star \_\_\_\_\_  
 New York Herald Tribune \_\_\_\_\_  
 New York Journal-American \_\_\_\_\_  
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# HOT WORDS

## AT COHN PERJURY RE-TRIAL

Despite the stepped-up air-conditioning, there was considerable heat yesterday at the perjury re-trial of Roy M. Cohn and Murray E. Gottesman in Room 110 of the U. S. Court House.

At one point, with 57-year-old lawyer Gottesman under cross-examination, the witness detected an expression of incredulity on assistant U. S. Attorney Gerald Walpin. Snapping at the 32-year-old, slightly-built prosecutor, he said:

"Don't get a sour face and look at me that way—you're not scaring me, Mr. Walpin!"

Mr. Gottesman maintained that he was asked by Mr. Cohn to do some checking in 1959 in the U. S. Attorney's office on behalf of four since-confessed stock swindlers who were kept out of an indictment that year. Mr. Gottesman testified that he never received a fee from any of them.

"I was angry with Mr. Cohn for almost a year because of the situation—that I got nothing out of it," he said.

Mr. Gottesman went on to say that in August, 1959, he went to see then chief assistant U. S. Attorney Morton S. Robson, a personal friend, to determine what "technical procedures to follow" concerning prospective witnesses before the grand jury investigating the stock swindle.

Mr. Gottesman recalled that he often spoke to assistant U. S. Attorneys and went to lunch with many of them, just as other lawyers did. On some occasions, he testified, he called assistants directly about cases, but he had been told, he continued, that the assistant who had the stock-fraud case, Leonard Glass, was "officious," and for that reason he dealt with then chief assistant Robson.

"Isn't it a fact," prosecutor Walpin asked, "that the reason why you contacted Mr. Robson, and defendant Cohn did not ask for a revaluation, was because you were a good friend of Mr. Robson?"

"I don't know what Mr. Cohn's reasons were."

There has been testimony at this trial—as there was at the one that ended in a mistrial in April because of the death of a juror's father—that there was a \$50,000 payoff to keep the four stock swindlers from indictment in 1959.

According to the testimony, one third of the \$50,000 went to Mr. Cohn, the rest to then chief assistant U. S. Attorney Robson. Mr. Cohn followed Mr. Gottesman on the stand yesterday, and denied, as he did at the first trial, that he ever got any "dirty money." Mr. Robson is expected to repeat his first trial denial that he ever got any either.

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191 JUL 7 1964

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## Flatly Conflicting Evidence

# What the Jurors Face in Second Cohn Trial

"If you ever get 12 people to agree about me on anything," Roy Cohn once remarked, "I'll be surprised."

For the second time, the Federal Government is trying to surprise Mr. Cohn. A jury in New York City is again hearing charges against him of perjury and obstruction of justice. And if this jury can reach an agreement, it will be in the face of flatly contradictory evidence.

The Government charges that Mr. Cohn — and his co-defendant, attorney Murray Gottesman — illegally attempted to keep four other men from being indicted in a stock fraud case, then lied about these attempts to a Federal grand jury. An earlier effort to convict Mr. Cohn and Mr. Gottesman on those charges ended in a mistrial on April 19. A woman juror left the jury because of her mother's death before the panel could reach a verdict, and Mr. Cohn refused to accept a decision from fewer than 12 jurors.

### The United Dye Scandal

The charges grew from Government suspicions after prosecution began in the United Dye and Chemical Co. stock manipulation scandal. The Government wondered how four men had escaped indictment by the original grand jury that investigated the case. They were Samuel S. Garfield, a Nevada gambler and promoter, and three associates of Mr. Garfield—Alfred Roen, Irving Pasternak, and A. K. Swann. The four were indicted by a later jury and pleaded guilty, but Federal investigators' curiosity meanwhile led them to Mr. Cohn and Mr. Gottesman.

Mr. Garfield has testified that Mr. Cohn agreed to accept a bribe to use influence with U.S. attorneys to keep Mr. Garfield's name off the stock-fraud indictment. This, Mr. Garfield testified, was in late June or July of 1959.

Mr. Cohn took the stand last week to contradict that testimony. He testified that after about June 20 he wasn't even in the United States, that he was in Europe and didn't return until Aug. 6.

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The Washington Post and Times Herald \_\_\_\_\_  
The Washington Daily News \_\_\_\_\_  
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People's World \_\_\_\_\_  
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#### Travel Agent on the Stand

The Government put travel agent William D. Fugazy on the stand. He testified that Mr. Cohn asked him to talk Moe B. Dalitz, a Las Vegas hotel owner, into pressing mutual friends not to incriminate Mr. Cohn before the grand jury investigating whether Mr. Cohn had illegally blocked the stock-fraud indictment.

And Eli Boyer, accountant at Mr. Dalitz's hotel at the time, said Mr. Cohn asked him to relay a threat that if Mr. Cohn were incriminated, he "would make things difficult for the people in Las Vegas."

Last week Mr. Cohn denied threatening anyone—"unless not wanting people to lie about you is a threat."

Defense testimony is expected to last through this week and perhaps longer. In large part, testimony on both sides has been a repeat of the first trial.

Mr. Cohn has contended the charges are a plot by the Nevada "gang"—and also by Attorney General Robert Kennedy—to "get" him.

Mr. Kennedy, said Mr. Cohn, has been hostile since the days of Sen. Joseph McCarthy's anti-Communist investigations, when Mr. Cohn won fame as the senator's counsel. Mr. Kennedy was minority counsel on the investigating committee, and frequently objected to Mr. Cohn's tactics.

As for the Nevada "gang," Mr. Cohn's attorneys charge that Mr. Garfield and

the others convicted of stock fraud, having never been sentenced, are testifying against Mr. Cohn in exchange for Government leniency.

At this point, the defense did interject something new into the testimony: Attorneys announced they had learned that during the first trial, Mr. Garfield appeared so confident of avoiding jail himself that he made a considerable purchase of new, expensive—and clearly not prison-striped—clothes.

Mr. Garfield admitted the purchase, but denied the allegation. Under defense questioning last week, however, Mr. Roen admitted he hopes for a lenient sentence.

There's been another new note in the trial too—this one on Leonard Glass, former U.S. attorney involved in preparing the original grand-jury indictment.

At the first trial, Mr. Cohn's attorneys charged that Mr. Garfield worked directly through Mr. Glass in trying to keep the names off the indictment. Mr. Glass (who so far had not made any public statement about the charge) is the real guilty party, they said. At the second trial, Government attorneys have informed the court that Mr. Glass is indeed under investigation.

The 37-year-old Mr. Cohn has continued to appear composed and confident in testifying in his second trial. Apparently he still believes it is going to be difficult for 12 people to agree about him or at any rate, against him.



# The Cohn Case—A Step To Avoid Second Mistrial

By Milton Lewis

Of The Herald Tribune Staff

The Federal judge in the Roy M. Cohn perjury retrial—which goes to the jury Wednesday—took a singular step yesterday to avoid a repetition of what happened on April 19.

On that date, after a jury had been deliberating for four days, a mistrial was called because the father of one of the jurors died. According to the foreman of that panel, it stood 11 to 1 for the conviction of Mr. Cohn on one perjury count.

While that jury—like the current one—had four alternates, they were dismissed by trial Judge Archie O. Dawson when he completed his charge on April 16. They could not, under the law, be recalled on April 19.

Now, Judge Dudley B. Bonsal revealed yesterday, he intends to keep the four alternates at this second trial on a stand-by basis all through the deliberations of the first 12 in the jury box.

This plan brought vehement objections from the defense, while Assistant U. S. Attorneys Gerald Walpin and Donald Cohn readily supported the court's safety measure.

Judge Bonsal conceded that he did not know of any authority to justify the procedure, but noted that it had been used previously in Federal Court here. He also said he was unaware of any case in which stand-by alternates actually had to be called upon to replace a regular juror after the judge had completed his charge.

Just as the defense objected to Judge Bonsal's plan to keep the four alternates, it also objected—successfully—to continuing that first trial with 11 jurors after the 12th was dismissed because of the death of her father. Under the law, if both sides agree, 11 jurors could have continued deliberations until a final verdict was reached.

The jury in the current trial, which began June , consists of 11 men and one woman. The first alternate is a woman, while the next three are men.

After both sides rested yesterday, Judge Bonsal set Monday for summations by lawyers for Mr. Cohn, 37, who served as counsel to the McCarthy Senate Investigating Committee, and his co-defendant, lawyer Murray E. Gottesman, 57. The government will sum up on Tuesday and Judge Bonsal will deliver his charge Wednesday morning.

Mr. Cohn is charged with three counts of perjury and four of obstructing justice, while Mr. Gottesman is named in two perjury counts.

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## Government's Remarks Today

# Cohn Summation: 'Most' Preposterous'

By Milton Lewis

Of The Herald Tribune Staff

"Most preposterous!"

Defense counsel, in summing up yesterday in Federal Court, used those words to describe prosecution testimony that Roy M. Cohn shared in a \$50,000 payoff to keep four stock swindlers from indictment in 1959.

The government will make its concluding remarks today in the retrial of Mr. Cohn on perjury and obstruction of justice charges stemming from that securities fraud, involving \$5 million. Judge Dudley B. Bonsal will charge the jury tomorrow morning. The retrial began June 9.

Frank G. Raichle, Mr. Cohn's counsel, loudly bemoaned what he called "the great orchestration of silence" on the part of the government in failing to call to the stand two individuals—Leonard R. Glass, a former assistant U. S. Attorney who investigated the 1959 stock fraud, and Silvio J. Mollo, current chief of the criminal division in the U. S. Attorney's office.

Mr. Raichle took the view that they could have exculpated Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman (who is only charged with perjury). But Mr. Raichle did not explain why the defense did not summon either or both of the two, as it could have. Ac-

cording to testimony, Mr. Glass, now in private law practice, fed grand jury questions in advance in 1959 to one of the four stock swindlers who avoided indictment. All four later were indicted and pleaded guilty.

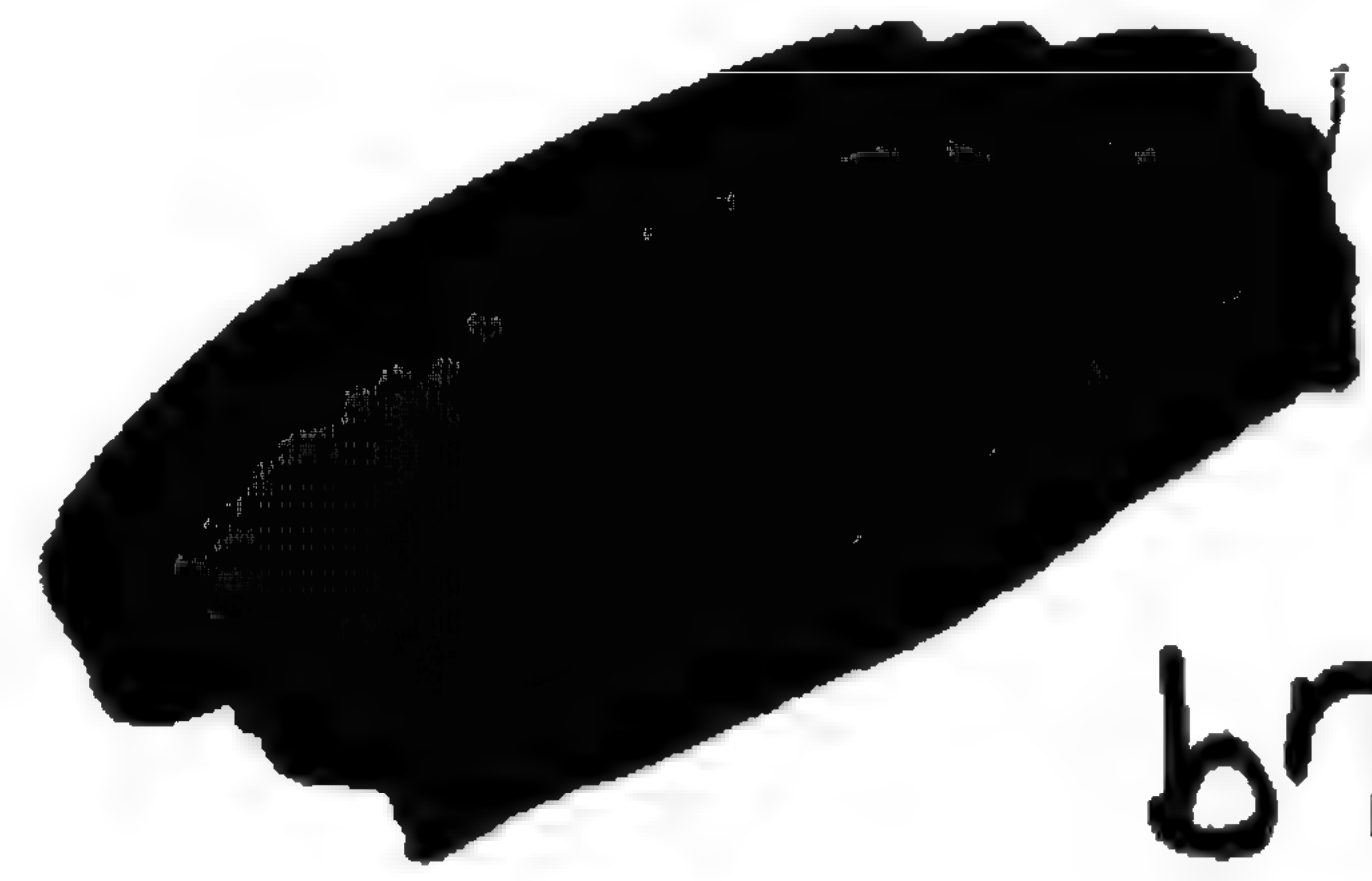
There also was testimony that the four avoided being indicted in 1959 by a \$50,000 payoff. According to evidence, one-third of that amount went to Mr. Cohn, who served as counsel to the McCarthy Senate Investigating Committee, and two-thirds to Morton S. Robson, who in 1959 was chief assistant U. S. Attorney and is now also in private law practice. Both Mr. Cohn and Mr. Robson gave the lie to this testimony, which Mr. Raichle termed "most preposterous!"

Mr. Raichle on Mr. Cohn: "This man of small stature but great heart, this man who, in my opinion, is a national asset."

If convicted on the seven counts against him, Mr. Cohn, 37, could get up to 35 years in prison and fines totaling \$26,000. Should Mr. Gottesman, 57, named in two perjury counts, be found guilty by the jury of 11 men and one woman, he faces up to 10 years and \$4,000 in fines.

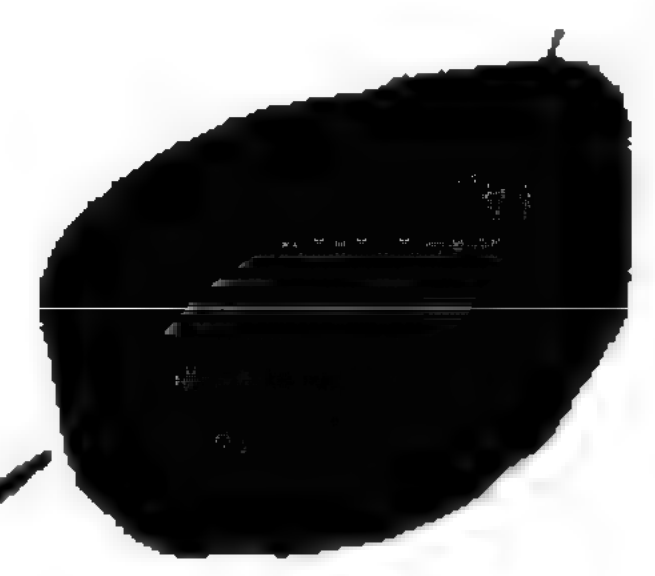
Their first trial ended in a mistrial on April 19, when, after four days of deliberations, the father of one of the jurors died.

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ADD 1 COHN, NEW YORK (UPI-95)

THE JURY OF 11 MEN AND ONE WOMAN COMPLETELY EXONERATED THE 37-YEAR-OLD FORMER COMMUNIST HUNTER AND HIS 37-YEAR-OLD CO-DEFENDANT, ATTORNEY MURRAY E. GOTTESMAN. GOTTESMAN HAD BEEN CHARGED WITH TWO COUNTS OF PERJURY.

THE ANNOUNCEMENT OF THE VERDICT BY JURY FOREMAN CLAUDE APPELGATE RESULTED IN AN OUTBURST OF CHEERS FROM THE DEFENSE TABLE AND FRIENDS OF THE DEFENDANTS.

JUDGE BUDLEY B. BONSAL SMILED AT THE OUTBURST EVEN AS COURT ATTENDANTS ADMONISHED THE SPECTATORS TO BE QUIET.

IT WAS THE SECOND TRIAL OF BOTH DEFENDANTS, WHOSE FIRST TRIAL ENDED IN A MISTRIAL BECAUSE OF THE DEATH OF A JUROR'S FATHER.

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WASHINGTON CAPITAL NEWS SERVICE



# Cohn Jury Adjourns, Resumes Today

By Milton Lewis

Of The Herald Tribune Staff

Following the pattern of the first trial, the jury in the Roy M. Cohn perjury retrial adjourned to a hotel at 10:45 last night, with deliberations to resume at 9:30 this morning.

When the panel received the case in Federal Court shortly before noon yesterday, Mr. Cohn stood by the observation he made at the same stage in the first trial:

"I don't see how anyone can expect 12 people to agree about anything concerning me."

Where the initial trial wound up anti-climactically

in a mistrial April 19 because of the death of a juror's father after four days of deliberations, close associates of the one-time "boy wonder," now 37, predicted that this second panel would be out for about a week.

Federal Judge Dudley B. Bonsal indicated that he, too, did not anticipate a quick decision. He advised the panel

of 11 men and a widow to come in yesterday with overnight bags. He also let it be known that he had made hotel reservations — just in case — since accommodations in midtown are hard to come by.

Though Judge Bonsal, in a 90-minute charge ending at 11:30 a. m., made no reference to the earlier trial —

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which covered 21 days as compared to the current one which has already taken 26 days—the bench advised the jury:

"You can see how important it is to both the defendants and the government that this case be decided."

Mr. Cohn, wearing a blue suit and a starched shirt collar, appeared to be his usual dapper self yesterday. He noted that the length of his two trials made him feel "as if I have served a sentence." On trial with the one-time counsel to the McCarthy Senate Investigating Committee is another lawyer, Murray E. Gottesman, 57. Mr. Cohn is charged with three perjury counts, Mr. Gottesman two. Mr. Cohn also is accused in four counts of obstructing justice.

Where the four alternates in the first trial were dismissed when the jury got the case, Judge Bonnal held on to the four alternates this time, so that if one of the first 12 on the panel has to bow out for some emergency, a replacement will be on hand.

The charges against Mr. Cohn and Mr. Gottesman stem from the fact that four subsequently confessed stock swindlers avoided indictment in 1959. There was evidence concerning an alleged \$50,000 payoff to save the four, with, according to testimony, one-third going to Mr. Cohn and two-thirds to Morton S. Robson, who was chief Assistant U. S. Attorney in 1959. Both Mr. Cohn and Mr. Robson denied ever getting a penny of dirty money.

If convicted, each defendant could get up to five years in prison on each count, in Mr. Cohn's case adding up to 35 years on the seven counts.



# Cohn, Cleared by Jury, Sees Enemies Rebuffed

NEW YORK, July 17 (AP).—Coatless, his necktie loose from the open collar of his shirt, Roy M. Cohn sat in his law office, relaxed and smiling.

Most Americans remember him as the serious young government lawyer in the televised Army-McCarthy hearings a decade ago. But yesterday was a day for smiles.

There was a pile of telegrams and a vase of red carnations on the desk and seven empty champagne bottles under it. Mr. Cohn, still boyish-looking at 37, was starting a celebration that finally ended at the Stork Club.

A few hours earlier, a United States District Court jury had acquitted him of charges of perjury and obstruction of justice. It had taken two trials lasting more than three weeks each. The first one was declared a mistrial when a juror's father died. His defense attorney was Frank G. Raichle of Buffalo.

## Federal Attack a Failure

Mr. Cohn charged that "a few people" in the Justice Department were out to get him.

Did he mean Attorney General Robert F. Kennedy had

been counsel to the Democratic minority during the McCarthy hearings and they were once reported to have exchanged blows.

"I won't go beyond what I said," stated Mr. Cohn. "But if over a period of years a bunch of agents watch you, and intercept your mail and your phone calls, you get the idea somebody's after you."

"A lot of people were involved. But the important people were the last 12—the jury."

His anger doesn't extend to the whole Administration. A Democrat, he said he intends to vote for President Johnson.

## But For Him Only

Would he still vote for Mr. Johnson if Mr. Kennedy is the vice presidential candidate?

"I'll answer your question this way: If Johnson and Kennedy are on separate levers, I'll vote for Johnson."

In Mr. Cohn's two trials, the government charged that he and a lawyer friend, Murray Gottesman, 37, who also was acquitted, lied to a grand jury investigating an earlier grand jury's handling of a \$5 million stock fraud. Mr. Cohn also was charged with influencing other people's testimony to the second grand jury.

The first jury did not indict four men in the fraud case, including two of Mr. Cohn's co-investors in a Las Vegas, Nev., hospital project. The government charged that a \$50,000 payment to Mr. Cohn and former chief assistant United States attorney Morton Robson was involved.

## Jury Reviewed Testimony

Mr. Cohn said he believes one key to his acquittal was that the jury asked for a review of Mr. Robson's testimony, in which he denied getting any money. They also asked for a transcript of testimony by another witness, who said Mr. Robson was in New York on the day the bribe allegedly was paid in Las Vegas.

Conviction could have meant up to 35 years in prison for Mr. Cohn, whose income is reported to be \$250,000 a year, with his fortune estimated at \$3 million.

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## The Roy Cohn Case

A first jury could not agree, a second jury has found Roy Cohn (and a lesser-known co-defendant) innocent of charges of perjury and obstruction of justice.

For Mr. Cohn the outcome climaxes many months of suspense. We hope the nature of his ordeal will give him a new reverence for the system of due process of law which has finally enabled him to claim vindication. He had many days in court; he had all the weapons of self-defense inherent in our Bill of Rights; he had the final appeal to the doctrine of "reasonable doubt."

In a time when he was riding high as boy prosecutor and counsel to the McCarthy committee, Cohn did not exhibit any conspicuous respect for the rights of the accused. Perhaps this experience will give him a certain compassion and humility, and cause him to look back with some penitence on an era when he was less appreciative of the American system of justice, and utterly blind to the concept

that a man must be deemed innocent until proven guilty under the rules of law. His acquittal could be the beginning of his education.

Now that the trial is over and the verdict is in, it is also legitimate to comment on the reckless outcries against U. S. Attorney Robert Morgenthau which marked Cohn's behavior during the first trial. Of all people, Roy Cohn should have been the last to charge that a prosecution based on serious testimony represented a sinister "vendetta"; he had condemned many men—on far less substantial testimony—without benefit of any extended judicial proceedings.

Finally, we hope that the many months in which he endured the uncertainty of these proceedings and contemplated their possible consequences will give him some small glimpse of the damage he inflicted on many anonymous, defenseless citizens and their families when he was serving as hatchet-man for the McCarthy squad.

(Indicate page, name of newspaper, city and state.)

34 NEW YORK POST

Date: 7/17/64

Edition: LATE CITY

Author:

Editor: DOROTHY SCHIFF

Title: MORTON ROBSON FORMER AUSA SDNY; ROY COHN

Character: BRIBERY

or

Classification: BU 58-5100

Submitting Office: NYO

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However, the indictment outlined the following events:

Bribes were said to have been paid the city appraiser to get firsthand knowledge of the city's position in the condemnation proceedings. The money was allegedly taken from the funds of Mr. Colm's law firm, Saxe, Bacon and O'Shea. Two officers and directors of Fifth Avenue, Lawrence I. Weisman and Morton Weinberg, were said to have been aware of the arrangement.

Both men were named as co-conspirators but not defendants, and both probably will testify for the Government. Mr. Weisman and Mr. Weinberg's father, Harry Weinberg, once held controlling interest in Fifth Avenue.

The B.S.F. Company then moved into the picture by trying to take over control of Fifth. This was allegedly ac-



# COHN IS INDICTED IN BRIBERY CASE

3 Others, Including Ex-Aide  
of City, Are Also Charged

By EDWARD RANZAL

Roy M. Cohn was indicted yesterday on charges of bribery, conspiracy, extortion and blackmail in connection with the city takeover the bus routes of the Fifth Avenue Coach Lines, Inc.

In addition, a former law partner of Mr. Cohn's was indicted in the same case on charges of bribery conspiracy, extortion and blackmail, and two others — an engineer and a former city employe — were indicted on charges of bribery conspiracy.

A six-count Federal indictment charged that a former city aide, an appraiser who worked on the condemnation of the bus line, was paid \$23,000 to \$25,000 to turn over to Fifth Avenue officials confidential documents relating to the city's position in the case.

In one instance, Mr. Cohn was charged with having paid a bribe in the United States Court House in Foley Square.

The indictment further charged that the defendants forced officials of Fifth Avenue to sell their shares in the company to another corporation.

under alleged threats of exposing their connection with the plot to bribe the city appraiser.

Mr. Cohn, former chief counsel to a United States Senate subcommittee headed by the late Sen. Joseph R. McCarthy, and now a lawyer in general practice and financier, immediately denounced the indictment as "a complete phony."

He said yesterday's indictment was brought to "bolster up" an indictment returned last Nov. 22 charging Mr. Cohn with fraud in an alleged violation of Securities and Exchange Commission regulations. Mr. Cohn is seeking dismissal of the earlier indictment.

The Nov. 22 indictment also charged Mr. Cohn with wire and mail fraud and with having conspired to pay a state court

officer \$5,000 to obtain favorable suits in suits by Fifth Avenue Coach Lines stockholders against its directors.

Mr. Cohn also said that the new indictment was "proof of the continuing personal vendetta and vindictiveness" against him by Robert M. Morgenthau, the United States Attorney here.

The indictment was announced by Mr. Morgenthau, who said that Mr. Kiser and Mr. Curtin had also been named in separate perjury indictments. Both men were charged with having lied to a grand jury concerning the alleged bribe payments.

Mr. Morgenthau said there were six bribe payments to Mr. Reicher. The United States Attorney did not say to whom the Foley Square bribe was paid or how much was involved.

Mr. Reicher, Mr. Morgenthau continued, turned over to the other defendants and Fifth Avenue Coach Lines confidential information relating to the city's condemnation case. In addition, he said, the appraiser removed documents and reports from the files of the city's Corporation Counsel.

Mr. Morgenthau said he had received the complete cooperation of District Attorney Frank S. Hogan of Manhattan, the city's Corporation Counsel and Commissioner of Investigation and S. Hazard Gillespie, court-appointed trustee and receiver for Fifth Avenue, in his investigation. The Federal Government had jurisdiction in the case because the alleged conspiracy crossed state lines.

John S. Arnee and Paul L. Perito, assistant United States attorneys, said three counts in the indictment charged Mr. Cohn and Mr. Kiser with conspiracy, extortion and blackmail in connection with the sale of control of Fifth Avenue in 1964 to the B.S.F. Company, headed by the financiers Victor Muscat and Edward Krock.

Some stockholders of Fifth Avenue, the prosecutors said, were forced to sell their shares and deliver control to B.S.F. "because of extortive threats by Cohn and Kiser to expose the Reicher bribe payments."

In 1962 the city moved to take over the bus routes following a strike. Lengthy litigation began, and to date the company has received \$32.7-million from the city as compensation.

Still Before Courts

The question of payment for tangible assets is still before the courts.

Mr. Morgenthau refused to go beyond the wording of the indictment, which did not spell out the charges in detail.

completed 4 after the Fifth Avenue Co. were said that unless they sold their Fifth Avenue interests the bribery would be exposed and they would be prosecuted.

After providing the bribe money, Mr. Cohn's law firm allegedly was repaid by Fifth Avenue after submitting fictitious bills. The Fifth Avenue officers were then said to have covered up the true nature of the payments to the law firm with false entries in their books.

The defendants will plead to the indictments in Federal Court on Monday. If convicted Mr. Cohn faces up to 36 years in jail and a \$41,000 fine, Mr. Kiser 36 years and a \$35,000 fine (including the perjury charge); Mr. Curtin 40 years and a \$24,000 fine (also including the perjury charge), and Mr. Reicher, five years and a \$10,000 fine.

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# Cohn Trial Is Halted Again As His Attorney Collapses

By NORMA ABRAMS

The bribery-conspiracy trial of Roy M. Cohn was jolted to a halt yesterday when Cohn's attorney, Joseph E. Brill, 65, collapsed in the courtroom just before the start of the afternoon session. He was taken to Columbus Hospital for tests.

Federal Judge Inzer B. Wyatt dismissed the jury of eight men and four women for the rest of the day and informed them that the trial would continue at 10 a.m. today. "Whether or not Mr. Brill is able to return."

Thomas Bolan, Cohn's law partner and co-defense counsel, has been present during most of the trial. He would presumably take over for Brill.

## He Keels Over

Brill was seated at the counsel table after returning from lunch when he suddenly slumped. Attorneys took him to the courtroom infirmary where a nurse took care of him until his doctor arrived.

The doctor said he could not immediately determine the nature of the illness and ordered Brill to the hospital.

Brill has a record of coronary trouble. Earlier this month, the trial was interrupted for four days while Brill was treated at Columbus Hospital for complications arising from a gall bladder

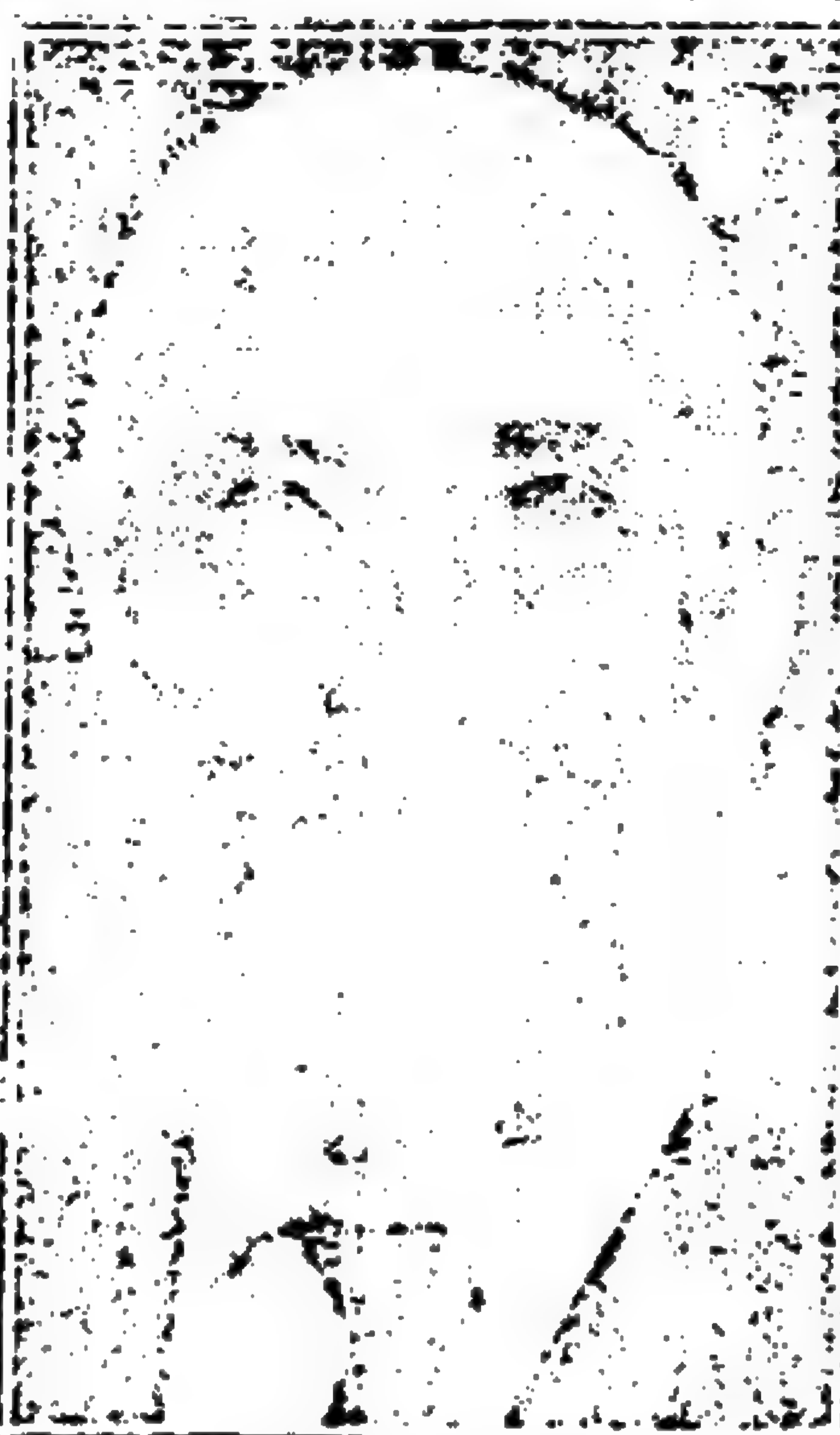
operation he underwent last summer.

## Changes His Testimony

At yesterday morning's session, the government, which had rested its case against Cohn and two co-defendants last week, reopened it to give its final witness a chance to change testimony the defense had called perjured.

The witness, Bernard Patrusky, a lawyer and certified accountant, had testified that \$2,400 he received in legal fees for allegedly passing on an \$8,000 bribe from Cohn to a city appraiser, had been entered on his income tax worksheet for 1964.

Under cross-examination by Brill, however, Patrusky admitted yesterday that the worksheet had been prepared only three months ago by an associate from notes made in 1964. Patrusky said the notes have since been lost but that the information was 100% accurate.



Joseph E. Brill  
Defense counsel

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## Witness Says He Lied in 1968 When Testifying on Cohn Bribe

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By ARNOLD H. LUBASCH

A witness said yesterday that he deliberately lied under oath to a grand jury last December and that he hoped to benefit from testifying truthfully now in his bribery-conspiracy trial of Rev. M. Cohn.

Bernard Patrusky, a lawyer and certified public accountant, made the statement in a day of persistent cross-examination in Federal Court.

"I am prepared to plead guilty to perjury to cleanse myself of this skeleton," Mr. Patrusky asserted.

Replying to questions by Joseph E. Brill, Mr. Cohn's lawyer, Mr. Patrusky admitted repeatedly that he testified falsely before a grand jury on Dec. 5 and Dec. 11, 1968, when he denied he knew about a conspiracy to bribe a city appraiser.

The witness testified that he then retained a lawyer, conferred with two prosecutors in the Cohn case and told the truth to another grand jury on Jan. 10, 1969.

Mr. Patrusky said he testified truthfully after his lawyer assured him last January that the two prosecutors, Paul Perito and John Allee, were "understanding men."

### Payments Described

"You tell the truth and they will understand," he quoted his lawyer as telling him in the presence of the prosecutors. "They will understand you were an innocent dupe in this for a while."

Mr. Patrusky testified on Monday that he delivered \$8,000 in two cash payments from Mr. Cohn to Bernard Reicher, a city appraiser, for which the appraiser was to supply confidential information to representatives of the Fifth Avenue Coach Lines. The company was being taken over by the city.

Mr. Patrusky testified that Mr. Reicher hired him to collect a debt of \$30,000 that Mr.

Reicher said he was owed by the bus company.

When he undertook to collect the debt for a 30 per cent commission, Mr. Patrusky said, he did not know that the money had been promised to the appraiser in exchange for confidential data in the city's proceedings to take over the bus line.

In his cross-examination, Mr. Brill read numerous questions and answers from the grand jury minutes of last December, demonstrating that Mr. Patrusky had denied under oath that he collected money from Mr. Cohn for a fee.

"I remember giving that false testimony," Mr. Patrusky admitted.

"That was another instance in which you gave false testimony?" Mr. Brill asked.

"Objection," Mr. Perito exclaimed for the prosecution.

"I'll permit it," Judge Inzer B. Wyatt ruled.

"Those answers were false," Mr. Patrusky replied.

"And you knew they were false when you made them under oath," the defense lawyer added.

"That's correct," the 35-year-old witness said firmly.

When asked if he expected to benefit from testifying against Mr. Cohn, the witness said his lawyer had told him "there can be no commitments" from the prosecutors, but Mr. Patrusky said that he hoped to benefit by testifying truthfully.

Mr. Patrusky, who said earlier that no perjury charges had yet been brought against him, replied "yes" when Mr. Brill asked if he was still practicing as a lawyer and an accountant.

His cross-examination will resume today at 10 A.M. in the eight-week-old trial of Mr. Cohn and two other defendants.

The others are John A. Kiser, a former law partner of Mr. Cohn, and John F. Curtin, a transit expert who worked for Fifth Avenue Coach during the period of the alleged bribery of the city appraiser.

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SUBJECT Ray M. Cohn.  
FILE NUMBER 58-5100  
SECTION NUMBER Sub A Vol. II



## Cohn Trial Prosecution Completes Presentation; Defense Opens Monday

Judge Will Hear Argument Today  
On Motions Aimed at Dismissal  
Of Bribery, Extortion Charges

By a WALL STREET JOURNAL Staff Reporter

NEW YORK — Federal prosecutors completed their presentation of bribery and extortion charges against Roy M. Cohn and two others, after 15 witnesses, 28 days of trial, and 17 days of recess.

The trial of the controversial attorney-businessman and former anti-communist investigator began Sept. 23. However, it has been interrupted five times, for periods of one to six days largely because of illnesses of two defense attorneys, a juror, and Mr. Cohn himself.

The defense of Mr. Cohn is scheduled to begin Monday.

Mr. Cohn, 42 years old, is on trial with John A. Kiser, 45, a former law partner, and John F. Curtin, 57, a Philadelphia transportation engineer. They are accused of conspiring to bribe Bernard Reicher, 45, who, at the time, was an appraiser for New York City.

The alleged scheme was to obtain confidential information for Fifth Avenue Coach Lines Inc. during condemnation proceedings to determine what the company would receive for the seizure of its bus lines by the city in 1962 to end a strike.

Mr. Cohn and Mr. Kiser also are accused of extorting a change in control of the company in

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1964 by threatening to expose the role of Lawrence I. Weisman, then Fifth Avenue Coach's president, in the alleged bribery. Reicher received almost \$25,000 from persons associated with the company, according to the prosecutors.

Reicher was indicted with Messrs. Cohn, Kiser, and Curtin by a Federal grand jury last January and pleaded innocent, as they did. However, Reicher is to be tried separately at the Government's request. He was a key prosecution witness in the current trial.

In November 1967, Reicher pleaded guilty to charges in state court that are related to the current Federal case. He still awaits sentencing.

Mr. Weisman spent eight days on the witness stand, testifying about the bribery and extortion charges under a court order of immunity from prosecution. Currently, he's president of Old Town Corp., a distributor of office supplies and copiers.

Other Government witnesses included Morton Weinberg, a former company officer who said he relayed two payments totaling \$10,000 to Reicher, and Victor Muscat and Edward Krock, who received control of the company from Mr. Weisman in 1964 under the sponsorship of Mr. Cohn. Both Mr. Muscat and Mr. Krock have pleaded guilty of filing false reports with the Securities and Exchange Commission about transactions made after they became Fifth Avenue Coach officers.

Mr. Cohn has pleaded innocent to another Federal indictment related to those activities and is scheduled for trial next year.

The final Government witness was a 35-year-old attorney and certified public accountant, Bernard Patrusky. He testified that, as an intermediary for Reicher, he received two payments totaling \$8,000 from Mr. Cohn.

The Government prosecutors are John S. Allee, 37, and Paul L. Perito, 31.

Judge Inzer B. Wyatt scheduled today for the argument of various motions that largely will be made by the defense in efforts to have the charges dismissed. The motions are expected to indicate the themes of the defense.

Defense attorneys undoubtedly will contend that testimony of the major prosecution witnesses is tainted by self-interest and that these witnesses pictured themselves as more important in the alleged conspiracies than the three men on trial.

The defense also is expected to maintain that Reicher wasn't a direct city employee or official and, thus, couldn't be the recipient of a bribe as defined by law. In addition, Mr. Cohn's attorney is expected to say that the alleged payments by Mr. Cohn are supposed to have occurred after the city fired Reicher and, therefore, can't be classed as bribes if they were made.

The three defendants haven't disclosed whether they will testify for themselves.



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# U.S. Rests Its Case Against Cohn

By NORMA ABRAMS

With the end of testimony by the last of its 16 witnesses, the government rested its case yesterday in the bribery-conspiracy trial of Roy M. Cohn and his two co-defendants in Federal Court.

The trial began on Sept. 23 and has been interrupted several times because of illnesses of various participants, including Cohn.

Judge Inzer B. Wyatt is presiding at the trial of Cohn, his former law partner, John A. Kiser, and Philadelphia transportation specialist John W. Curtin on charge of bribery, conspiracy, extortion and blackmail.

## Bus Firm Condemnation

The charges stem from the city's 1962 condemnation of the Eight Avenue Coach.

The government claimed that former city appraiser Bernard Reicher received some \$19,000 in bribes from Cohn and conferees in exchange for confidential information the city was reportedly holding back from officials of the coach company in the condemnation proceedings.

## Final Witness

Reicher has also been indicted but his case has been severed from that of the others.

Yesterday's closing government witness was Bernard Patrusky, a lawyer and certified public accountant, who has testified that he acted as go-between for Reicher

in collecting bribe money from Cohn.

He admitted again yesterday—his second day of cross-examination by Cohn's attorney, Joseph E. Brill—that he lied in two of his three appearances before a federal grand jury but told the real story in his third appearance because "at that point, I was looking to cleanse myself of that perjury."

Today's session will be devoted to motions. If the defense loses its plea for a dismissal of the charges, it is expected to open its case on Monday.

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# WITNESS AMENDS COHN TESTIMONY

## Prosecution Re-opens Case Over Tax Form Mix-Up

By ARNOLD H. LUBASCH  
A witness returned to Federal Court yesterday to amend his earlier testimony in the trial of Roy M. Cohn, on charges of conspiracy, bribery and blackmail.

As the last witness before the prosecution closed its case, Bernard Patrusky testified last week that a summary sheet prepared with his 1964 income-tax form listed \$3,900 he received for collecting payments for a city appraiser accused of taking bribes.

When he returned to the witness stand, Mr. Patrusky said he learned after his original testimony that his accountant prepared the summary sheet three months ago from notes made before the tax form was filed in April, 1965.

Mr. Patrusky, who said he included the \$3,900 fee from the appraiser in total income on his tax return, testified that his accountant no longer had the original notes listing the fee separately.

The prosecution re-opened its case to present the amendment by Mr. Patrusky, who said his accountant told him he put "scribbled notes" into shape and made a "clean summary sheet" when he was asked to provide the 1964 tax documents for the trial.

### Only Record of Payment

Mr. Patrusky had originally introduced the tax form and summary sheet to support his testimony that he received a fee for delivering cash payments from Mr. Cohn to the dismissed city appraiser in 1964.

Yesterday, under cross-examination, Mr. Patrusky said that the three-month-old tax summary was the only existing record of the \$3,900 he received from the appraiser, who allegedly took bribes from the Fifth Avenue Coach Lines to provide secret data on the city's proceedings to take over the bus company.

The defense brought out in the cross-examination that Mr. Patrusky did not tell the prosecutors that the tax summary was only three months old un-

til after the witness learned that the defense wanted an expert to examine the tax documents to determine their age. Joseph E. Brill, the lawyer for Mr. Cohn, said that the defense had demanded that Mr. Patrusky return to answer further questions after the disclosure that the summary sheet had not been prepared at the same time as the 1964 tax return.

### Defense Attorney Ailing

Mr. Brill noted that the defense also wanted to question Mr. Patrusky's accountant, Herbert Weinstein, but that the prosecution failed to call Mr. Weinstein on the ground that his health did not permit him to testify.

Before the trial resumed after a recess for lunch, Mr. Brill slumped into his green-leather armchair at the defense table and complained of chest pains.

The 66-year-old lawyer, who suffered a severe heart attack a few years ago, was taken from the court room in a wheel chair and to the infirmary of the Federal Court House for examination by his physician.

Judge Izer B. Wyatt recessed the trial until 10 A.M. today.

Besides Mr. Cohn, the defendants in the nine-week-old trial are John A. Kiser, a former Cohn law partner, and John F. Curtin, a transit expert who worked for Fifth Avenue Coach at the time of the alleged bribery.

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# Cohn Trial Is Halted Again. As His Attorney Collapses

By NORMA ABRAMS

The bribery-conspiracy trial of Roy M. Cohn was jolted to a halt yesterday when Cohn's attorney, Joseph E. Brill, 65, collapsed in the courtroom just before the start of the afternoon session. He was taken to Columbus Hospital for tests.

Federal Judge Inzer B. Wyatt dismissed the jury of eight men and four women for the rest of the day but informed them that the trial would continue at 10 a.m. today, "whether or not Mr. Brill is able to return."

Thomas Bolan, Cohn's law partner and co-defense counsel, has been present during most of the trial. He would presumably take over for Brill.

## He Keels Over

Brill was seated at the counsel table after returning from lunch when he suddenly slumped. Attendants took him to the courthouse infirmary where a nurse took care of him until his doctor arrived.

The doctor said he could not immediately determine the nature of the illness and ordered Brill to the hospital.

Brill has record of coronary trouble. Earlier this month, the trial was interrupted for four

days while Brill was treated at Doctors Hospital for complications arising from a gall bladder

operation he underwent last summer.

## Changes His Testimony

At yesterday morning's session, the government, which had rested its case against Cohn and two co-defendants last week, reopened it to give its final witness a chance to change testimony the defense had called perjured.

The witness, Bernard Patrusky, a lawyer and certified accountant, had testified that \$2,400 he received in legal fees for allegedly passing on an \$8,000 bribe from Cohn to a city appraiser, had been entered on his income tax worksheet for 1964.

Under cross-examination by Brill, however, Patrusky admitted yesterday that the worksheet had been prepared only three months ago by an associate from notes made in 1964. Patrusky said the notes have since been lost but that the information was 100% accurate.



Joseph E. Brill  
Defense counsel

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## Witness in Cohn Trial In Outburst on Stand

By NORMA ABRAMS

Federal Judge Inzer B. Wyatt twice reprimanded a lawyer-accountant government witness in the bribery-conspiracy trial of Roy M. Cohn yesterday for outbursts on the stand.

The key government witness, Bernard Patrusky, was visibly upset by a sustained cross-examination as to why he had sworn that a work sheet prepared for tax purposes was made three months ago and not, as he had testified earlier, in 1964.

Patrusky shouted; "All right, I admit I lied to the grand jury," and pounded the witness box with his fists. Judge Wyatt cautioned him, warning: "I'll deal with you after the trial."

At that, the judge warned Patrusky again, then declared a recess and dismissed the jury for the day.

The outburst came after the government reopened its case to permit Patrusky to amend his earlier testimony on the "scribbled notes" which dealt with his income tax returns. These, he had testified, contained a record of \$3,900 he had allegedly taken from a total of \$8,000 in bribe money from Cohn to be given to then city appraiser Bernard Reicher.

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# Cohn's Lawyers Ask Dismissal As Government Rests Its Case

By ARNOLD H. LUBASCH 30

Defense lawyers made motions to dismiss the charges against Roy M. Cohn and two other defendants in Federal Court yesterday after the prosecution rested its case for the second time.

A discussion of the motions will continue today in the nine-week-old trial on charges that a city appraiser was bribed to give confidential information to the Fifth Avenue Coach Lines and that a company executive was blackmailed to relinquish control of the bus line.

The prosecution completed its case last Thursday and the defense began its motions last Friday, but the prosecution reopened its case so that its last witness could amend his testimony.

## Document Date Changed

Bernard Patrusky, the last witness, returned on Monday to testify that a tax document intended to support his testimony was prepared about three months ago, not in 1965, as he had said last week.

In extensive cross-examination, the defense sought to discredit the testimony of Mr. Patrusky, who testified last week that he had delivered cash payments from Mr. Cohn to the appraiser accused of taking bribes.

Mr. Patrusky, a lawyer and accountant, testified earlier that the dismissed appraiser hired him to collect money from Fifth Avenue Coach representatives without telling him that it involved bribery.

Responding tensely to persistent questions about his tax records, Mr. Patrusky raised his voice several times yesterday to blurt out explanations.

"Wait, wait, wait," Judge Inzer B. Wyatt interrupted. "Mr. Patrusky, just answer the questions."

The 35-year-old witness, who clapped the palms of his hands to his face at one point, insisted that he had returned to testify at his own suggestion when he learned about the error in his original testimony.

"Nobody put me in this chair," he shouted.

## Government Rests Case

"Now, Mr. Patrusky," Judge Wyatt said, "I know that it is a strain to testify in court. But it is not up to you to explain or argue. You are not here on trial."

When the cross-examination ended, Paul L. Perito rose for the prosecution and rested the Government's case.

Thomas A. Bolan, a law partner of Mr. Cohn, then resumed the defense's dismissal motions in the absence of Joseph E. Brill, Mr. Cohn's defense lawyer, who became ill on Monday and was not expected to return for a few days.

Mr. Cohn, a 42-year-old lawyer and financier, served as a counsel and a director of the Fifth Avenue Coach Lines at the time of the alleged bribery and blackmail from 1962 to 1964.

The other defendants are John A. Kiser, formerly a Cohn law partner, and John F. Curtin, a transportation engineer hired by the bus company to assist in appraisal work.

A separate trial is scheduled for Bernard Reicher, the city appraiser accused of taking bribes to inform Fifth Avenue Coach about the city's strategy and data in the condemnation proceedings to take over the bus company.

The current trial will resume today at 10 A. M.

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## Court Quashes Blackmail Rap Against Cohn

Federal Judge Inzer B. White dismissed a blackmail charge against Roy M. Cohn yesterday



but continued Cohn's trial on charges of conspiracy, bribery and extortion.

White ruled that the blackmail charge did not conform to federal statutes covering this crime.

The judge announced that Cohn's defense counsel, Joseph

Roy Cohn M. Brill, who collapsed in the courtroom Monday, will be unable to return for the finish of the trial. Brill, 65, who reportedly suffered a heart attack, is in fair condition at Columbus Hospital.

### Represented by Partner

Cohn was represented at yesterday's session by his law partner, Thomas Bolan, and by Brill's assistant, John Polok.

The blackmail charge alleged that Cohn wrested control of Fifth Ave. Coach Co. from Lawrence I. Weisman by threatening to accuse him of bribery.

### Government Case Presented

The trial of Cohn and two co-defendants, John A. Kiser, his former law partner, and appraiser John F. Curtin, grew out of the city's 1962 condemnation of Fifth Ave. Coach. The government has finished presenting its case and the defense has concluded cross-examination.

A motion to sever Curtin's trial from the others was turned down by White yesterday. He also ruled that, because of Brill's absence, the presentation of Cohn's defense will be delayed until after defense presentations for Kiser and Curtin.

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# COHN JUDGE DROPS BLACKMAIL COUNT

## Refuses to Dismiss Other Conspiracy Case Charges

By ARNOLD H. LUBASCH

Judge Inzer B. Wyatt yesterday dismissed a blackmail charge against Roy M. Cohn and one of his former law partners.

Acting on a motion by the defense, Judge Wyatt issued the acquittal ruling on one of the six counts in the indictment in Federal Court.

The judge rejected defense motions to dismiss the remaining charges, covering conspiracy, bribery and extortion, in the nine-week-old trial, which will resume tomorrow afternoon.

Regarding count No. 6 in the indictment, which was dismissed, the defense had argued that the alleged blackmail did not involve threats to disclose Federal violations and did not come under Federal jurisdiction.

"I am persuaded," Judge Wyatt ruled, "that there is no evidence that where threats of exposure were made they were made in violation of Federal law."

Therefore, the judge said in the hushed court room, on count six of the indictment he was granting the defense's motion for dismissal.

"All other such motions are denied," he added.

### Involved Kiser Also

The dismissed charge involved Mr. Cohn and his former partner, John A. Kiser, who were accused of compelling the former head of the Fifth Avenue Coach Lines to yield control of the bus company by threatening to expose his role in the alleged bribery of a city appraiser.

The third defendant in the case is John F. Curtin, a transit engineer. He is accused of conspiring with the others to bribe the appraiser to obtain confidential information about the city's condemnation proceedings to take over the bus company.

Regarding the conspiracy charge, Judge Wyatt said he would instruct the jury that the three defendants could be found guilty of conspiracy only if an overt act was committed after Jan. 17, 1964.

The judge explained that the indictment was handed down last Jan. 17 and that a statute of limitations of five years applied to the conspiracy charge.

### Call Testimony 'Tainted'

Defense lawyers introduced a motion urging the judge to eliminate the testimony of Bernard Patrusky, the final witness for the prosecution, on the ground that his testimony was "tainted with fraud."

The defense contended that a tax document submitted by Mr. Patrusky was fabricated to support his testimony that he delivered cash payments from Mr. Cohn to the city appraiser accused of taking bribes.

Judge Wyatt replied that questions of credibility were normally left to the jury to decide.

"I am required to be exceedingly timid about invading the province of the jury," the gray-haired judge remarked in the drawl of his native Alabama.

Thomas A. Bolan, a defense lawyer and partner of Mr. Cohn, suggested that the prosecution knew that the Patrusky document was fraudulent and tried to prevent questions about it.

"We categorically deny any charges of misconduct," John S. Allee responded later for the prosecution.

While he reserved his decision on the motion to strike the Patrusky testimony from the record, Judge Wyatt said, "I don't think there is much chance I will grant that motion."

The judge dismissed motions by the defense for a mistrial and for a severance to grant each of the defendants a separate trial.

Whatever trial resumes tomorrow at 1:45 P.M. the defense of Mr. Kiser will be begun. That will be followed by Mr. Curtin's defense. Mr. Cohn's last defense will begin last because of the illness of his lawyer, Joseph E. Brill.

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# Judge Kills a Count Of Cohn Indictment; Other 5 Are Retained

## Charge Covered an Alleged Threat To Expose Federal Violation by Fifth Avenue Coach President

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—The charge that Roy M. Cohn and John A. Kiser brought about a change in control of Fifth Avenue Coach Lines Inc. in 1964 by threatening to expose a Federal crime was struck down by Federal Judge Inzer B. Wyatt.

The judge left standing, however, charges that Mr. Cohn and Mr. Kiser engaged in an extortion conspiracy and that they and John F. Curtin conspired to bribe a New York City appraiser.

The two-month-old trial of the three men is scheduled to resume this afternoon with the first witness in defense of Mr. Kiser.

The three defendants were named in a six-count indictment last January by a Federal grand jury. Count Four charges that Mr. Cohn, the controversial, onetime anti-Communist investigator, and his former law partner, Mr. Kiser, conspired to force Lawrence I. Weisman, then president of Fifth Avenue Coach, to give up control of the company to associates of Mr. Cohn. This allegedly was to be done by threatening to expose Mr. Weisman's role in the purported bribery.

Count Five charges that Mr. Cohn and Mr. Kiser violated Federal law by using facilities of interstate commerce in the conspiracy. Judge Wyatt denied defense motions to dismiss Counts Four and Five.

Count Six, which the judge threw out at the defendants' behest, charged that Mr. Cohn and Mr. Kiser obtained a change in control of Fifth Avenue Coach from Mr. Weisman by threats to expose a violation of Federal law.

The judge said he was persuaded that the prosecutors had presented "no evidence" that threats allegedly made by the defendants violated Federal law. The judge indicated that to establish a Federal crime, the prosecutors would have had to show that Mr. Weisman, a lawyer who testified for the Government under a court order of immunity from prosecution, feared the defendants would expose a violation of Federal law.

However, at the time, the only agency known to be inquiring into the matter was the office of the New York City Commissioner of Investigations, according to testimony at the trial.

Judge Wyatt refused defense attorneys' bids to dismiss Counts One, Two and Three. The counts charge that Mr. Cohn, 42 years old; Mr. Curtin, 57, a transportation engineer, and Mr. Kiser, 45, conspired to bribe the city appraiser

and that on one occasion in 1964 Mr. Cohn paid a bribe while on Federal premises—the U.S. Court House here.

The alleged purpose was to get from the appraiser, Bernard Reicher, confidential information for Fifth Avenue Coach during proceedings to determine what the company would be paid for bus lines seized by the city in 1962 to end a strike. Reicher also was indicted, but he testified for the Government and is to be tried separately later.

The presentation of Mr. Cohn's defense, scheduled first, was put off after his attorney, Joseph E. Brill, apparently suffered a heart attack in the courtroom Monday. Other defense attorneys on Tuesday and Wednesday took up the argument of the motions to dismiss the charges, which customarily follow completion of the prosecution's case. The trial was in recess yesterday, Thanksgiving Day.

Mr. Brill may remain in a hospital for as much as three weeks, associates said. However, Judge Wyatt ordered the trial to proceed, in hopes of minimizing delays. Although the trial began Sept. 30, it has been in session only 30 days and in recess for 18, largely because of illnesses.

Edward M. Garlock is to begin Mr. Kiser's defense today, and the defense of Mr. Curtin is to follow. Then Mr. Cohn's situation will be reviewed.

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## DEFENSE UNDER WAY IN COHN BRIBE CASE

The defense opened its case yesterday in the bribery-conspiracy trial of Roy M. Cohn and two co-defendants by calling character witnesses to testify on behalf of John A. Kiser, a former law partner of Mr. Cohn.

The defense of Mr. Kiser will be followed by that of John F. Curtin, the other co-defendant. Mr. Cohn's defense will come last because of the illness of his lawyer, Joseph E. Brill.

The three defendants are charged with conspiracy, bribery and extortion in connection

with the 1962 condemnation proceedings by the city against Fifth Avenue Coach Lines, of which Mr. Cohn was a director. On Wednesday, Judge Inzer B. Wyatt dismissed a blackmail charge against Mr. Cohn and Mr. Kiser.

The witnesses who testified on behalf of Mr. Kiser today were Paul E. Lockwood, a former New York County chief assistant district attorney; Richard W. Cutting, president of the Columbia University Graduate School of Business Administration's alumni association; E. Marco Stirone, a former Mayor of Morristown, N.J., and Warner C. Pyne, Jr., an executive. All said they had

known Mr. Kiser for many years and that he had a reputation for honesty and integrity.

The trial will resume at 10 A.M. Monday in Federal Court.

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# MEYNER DEFENDS COHN'S COLLEAGUE

Ex-Governor Says Kiser's  
Reputation Is Excellent

By ARNOLD H. LUBASCH

Former Gov. Robert B. Meyner of New Jersey testified yesterday as a character witness for one of the three defendants in a trial involving charges of conspiracy, bribery and extortion.

Mr. Meyner appeared in Federal Court here as the last witness for John A. Kiser, a former law partner of Roy M. Cohn, in the 10-week-old trial of charges that grew out of the city's seizure of the Fifth Avenue Coach Lines in 1962.

Mr. Kiser is accused of conspiring with Mr. Cohn in the bribery of a city appraiser to obtain confidential information and the extortion of stock from an executive of Fifth Avenue Coach to gain control of the bus company.

In response to questions by Mr. Kiser's lawyer, Edward M. Garlock, Mr. Meyner said he met Mr. Kiser in 1953 before the defendant served as Democratic chairman of Morris County.

"Would you," Mr. Garlock asked, "tell the jury his reputation in the State of New Jersey for honesty, veracity and integrity?"

"Excellent," the gray-haired former Governor replied firmly, his brows furrowed and his hands folded in his lap.

"You have no first-hand knowledge of the facts in this case," John S. Allee said in the only question asked by the prosecution in cross-examining Mr. Meyner, who is a lawyer himself.

"I'm not required to, as a character witness," Mr. Meyner responded before he left the witness chair after barely five minutes of testimony.

The former Governor was excused from the witness stand. Mr. Garlock rested the defense for Mr. Kiser, a 45-year-old lawyer who was a director of Fifth Avenue Coach when the city seized the bus company in condemnation proceedings.

The defense then opened for John F. Curtin, a 57-year-old transit expert hired by the bus company, who is accused of conspiring with Mr. Cohn and Mr. Kiser to bribe the appraisal expert hired by the city in the condemnation case.

Mr. Curtin's lawyer, Richard Owen, called five witnesses to testify about the inventory and bookkeeping procedures used by Mr. Curtin's concern during the condemnation proceedings to determine how much the city would pay the company for the buses and other equipment seized after a strike in 1962.

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## Cohn Defense Begins Today

Roy M. Cohn will begin his defense in Federal Court today against charges of conspiracy, bribery and extortion in connection with the city's 1962 takeover of the Fifth Ave. Coach Co.

Yesterday, John F. Curtin, a transit engineer and co-defendant with Cohn, completed his defense with testimony from five character witnesses, including former Transit Authority Commissioner John Gilhooley.

Curtin and the third defendant, John A. Kiser, Cohn's former law partner who ended his defense Monday, are accused with Cohn of conspiring to bribe city appraiser Bernard Reicher to get confidential information about the city's condemnation proceedings. Neither Curtin nor Kiser took the stand.

Cohn's defense will be handled by his law partner, Thomas A. Bolan, who will substitute for defense attorney Joseph E. Brill, felled by a heart attack a week ago.

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## Second Defendant in Cohn Trial

### Completes His Case

By ARNOLD H. LUBASCH

A second defendant completed his case yesterday in the bribery-conspiracy trial of Roy M. Cohn and two of his former associates in Federal Court.

After the defense rested its case for John F. Curtin, a transit expert, Judge Inzer B. Wyatt told the jury that Mr. Cohn's defense would open when the trial resumed today at 10 A. M.

The other defendant, John A. Kiser, a former law partner of Mr. Cohn, completed his defense on Monday in the trial on charges that derived from the city's 1962 seizure of the Fifth Avenue Coach Lines.

Mr. Cohn is accused of having bribed a city appraiser to procure secret data from the city's files in the condemnation proceedings against Fifth Avenue Coach and of having extorted a controlling interest in the bus company from a company executive.

The 42-year-old lawyer and financier was general counsel and a member of the board of directors of the bus company when the city took it over during a strike in March, 1962.

Mr. Kiser, who was also a director of the company at the time, is accused of having taken part in the bribery conspiracy and the extortion.

#### Use of Mails Involved

Mr. Curtin, who was hired by Fifth Avenue Coach during the condemnation case, is accused of having conspired with Mr. Cohn and Mr. Kiser in the alleged bribery.

The three defendants were brought to trial Sept. 23 in Federal Court because the mails and other interstate facilities were said to have been used in the alleged conspiracy.

If convicted and given the maximum penalty on all five

counts in the indictment against him, Mr. Cohn could be sentenced to 35 years in prison and \$39,000 in fines.

The maximum sentences possible for his two co-defendants in the trial would be 15 years in prison and \$30,000 in fines for Mr. Kiser and five years in prison and \$10,000 in fines for Mr. Curtin if they were convicted on all the counts against them.

Mr. Kiser rested his defense after calling five character witnesses, including former Gov. Robert B. Meyner of New Jersey.

Mr. Curtin called five character witnesses as well as nine others who testified in rapid succession until his defense rested yesterday afternoon.

John J. Gilhooley, a former Transit Authority Commissioner here, testified that Mr. Curtin's personal integrity was implicit in his professional reputation as a transportation engineer, "probably as high as anyone in the industry."

Mr. Curtin's wife, who has followed the 10 weeks of trial from a front-row bench, smiled as Msgr. Martin McDonough of Philadelphia and Judge John P. Moore of Maryland characterized her husband as a reputable

and responsible citizen concerned with the community.

Several former employees of Mr. Curtin's Philadelphia firm, Simpson & Curtin, vouched for his appraisal practices.

Judge Wyatt, noting the Cohn defense would begin today, told the jury that "we are drawing near the completion of this case."

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## Defense of Roy Cohn In Fifth Avenue Coach Case to Begin Today

### Two Other Defendants Complete Presentations Without Taking Witness Stand During Trial

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—John A. Kiser and John F. Curtin completed their defenses without taking the witness stand at their trial with Roy M. Cohn on Federal charges of bribery and extortion conspiracies.

The defense of Mr. Cohn, the 42-year-old former anti-Communist investigator, will begin this morning in Federal District Court, before Judge Inzer B. Wyatt. The breezy and controversial Mr. Cohn, who once prosecuted criminal cases for the Government in the same courtroom where he is on trial, hasn't disclosed whether he will testify.

However, the reins of his defense clearly have dropped into his own hands. Joseph E. Brill, 66, Mr. Cohn's attorney, suffered an apparent heart attack in the courtroom Nov. 24 and is in a hospital. Judge Wyatt declined to delay the frequently recessed trial, though, and directed Mr. Cohn; his aide and law partner, Thomas A. Bolan, and Mr. Brill's assistant, 28-year-old John L. Pollok, to proceed.

Mr. Kiser is a former law partner of Mr. Cohn, and Mr. Curtin is a Philadelphia transportation engineer. All three were associated with Fifth Avenue Coach Lines Inc. in proceedings to determine what the company would receive for the seizure of its bus lines by New York City to end a strike in 1962.

The three are charged with conspiring to bribe a city appraiser to get confidential information for the company. Mr. Cohn alone is charged with paying a bribe on one occasion in 1964, outside the courtroom where he is on trial. Mr. Cohn and Mr. Kiser are accused of conspiring to extort a change in control of Fifth Avenue Coach by threatening to expose a former president's role in the alleged bribery scheme.

There are five counts in all. A sixth count, which accused Mr. Cohn and Mr. Kiser of actually obtaining control through blackmail, was thrown out last week by the judge, on the ground that the Government had failed to show a violation of Federal law.

The real defense came in the cross examination of the Government's principal witnesses. Defense attorneys, in extended questioning that often exhausted the judge's patience, tried to demonstrate that these witnesses were admitted violators of the law or, at least, were testifying to save themselves from prosecution.

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Casper ☒  
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# Diary Backs Cohn on Bribe Disclosure

By ARNOLD H. LUBASCH

The first defense witness for Roy M. Cohn introduced a diary in Federal Court yesterday as evidence that Mr. Cohn informed the City Corporation Counsel about the alleged bribery of a city appraiser before associates of Mr. Cohn gained control of the Fifth Avenue Coach Lines.

William H. Cassidy, who read an entry from his diary to contradict prosecution testimony, said that a private meeting was held in his apartment on Jan. 21, 1964, between Mr. Cohn and Leo A. Larkin, who was then the Corporation Counsel.

Leon A. Fischel, who was then City Investigation Commissioner at the time, testified earlier for the prosecution that Mr. Larkin told him on Jan. 29 or Jan. 30, 1964, that Mr. Cohn had informed him about the alleged bribery.

## Earlier Testimony Cited

Mr. Larkin testified for the prosecution that he informed Mr. Fischel about the bribery disclosure on the same day that Mr. Cohn made it to him in the Brooklyn apartment of Mr. Cassidy.

The prosecution contended that Mr. Cohn extorted the controlling stock of Fifth Avenue Coach from Lawrence I. Weisman, an executive of the bus company, by threatening to expose Mr. Weisman's role in the alleged bribery of the city appraiser.

According to the prosecution, the alleged extortion succeeded on Jan. 28, 1964, when Mr. Weisman signed an agreement that gave control of Fifth Avenue Coach to associates of Mr. Cohn.

The prosecution contended that Mr. Cohn then disclosed a few facts about the alleged bribery to divert attention from himself and show in any subsequent investigation that he

had turned in the first bribery information, because he feared the facts would become known anyway.

The date of the disclosure was fixed as Jan. 29 or Jan. 30 by the prosecution, but this was disputed by the defense, which sought to show that Mr. Cohn had already made the disclosure and therefore could not have used it as an extortion threat.

Opening the defense for Mr. Cohn, Mr. Cassidy testified that he arranged the Cohn-Larkin meeting in his apartment at 7423 Ridge Boulevard, Brooklyn, at the request of Thomas A. Bolan, a law partner of Mr. Cohn.

## Diary Entry Read

Mr. Cassidy, using a large magnifying glass to aid his failing eyesight, read an entry from his diary for Jan. 21, 1964, which he said was the date of the meeting.

"Today at 7423 3:15 to 4:10 P.M. WHC entertained LTR," Mr. Cassidy read.

The 77-year-old witness, a retired advertising representative for the Brooklyn Tablet, a Catholic publication, said that 7423

referred to his address, WHC were his initials and LTR referred to Leo, Tom and Roy.

"This is an unusual entry," John S. Alle observed for the prosecution.

"You could call it that," replied Mr. Cassidy, who conceded that he did not usually make references quite that way in his diary.

Mr. Cassidy, who said he had known Mr. Larkin, Mr. Cohn and Mr. Bolan for years, maintained under cross-examination that the Cohn-Larkin meeting took place on Jan. 21 and not Jan. 29 or Jan. 30.

Mr. Bolan, serving as a defense lawyer for Mr. Cohn in the absence of Joseph E. Brill, who is ill, took the witness stand to testify that he accompanied Mr. Cohn to the Cassidy apartment for the Larkin meeting on Jan. 21.

The defense then called three additional witnesses to dispute prosecution testimony in the 10-week-old trial on charges of conspiracy, bribery and extortion.

Mr. Cohn's defense will continue when the trial resumes today at 10 A.M.

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## Story of Cohn<sup>36</sup> Threat Denied

Burton Abrams, onetime attorney for the former president of the Fifth Ave. Coach Co., Lawrence Weisman, denied yesterday that Weisman ever told him that Roy M. Cohn was "out to get" Weisman or threatening to inform on him for alleged bribery of a city appraiser.

Abrams made the statements as a defense witness at the Federal Court trial of Cohn and two co-defendants on bribery and conspiracy charges in connection with the sale of the Fifth Ave. bus lines to the city.

Weisman had testified that Cohn threatened to expose him to the authorities in an effort to get him to sell his stock in the company, in which Cohn also had an interest.

Weisman said he had informed Abrams of Cohn's alleged threats back in January 1964, but this Abrams denied.

The trial will continue today.

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# Cohn Defense Witness Disputes Prosecution Over Evasion Charge

## Date in Diary Contradicts U.S. Account of Alleged Cohn Bid to Divert Bribery Investigation

By a WALL STREET JOURNAL Staff Reporter  
NEW YORK—Roy M. Cohn's first defense witness contradicted a prosecution account of Mr. Cohn's alleged attempt to divert a bribery investigation from himself in 1964.

At issue is the date when Mr. Cohn, the former anti-Communist investigator, gave information to Leo A. Larkin, then New York City's chief legal officer, in the home of William H. Cassidy. The date is considered significant, because it may indicate Mr. Cohn's motive in supplying the information.

Mr. Cassidy, a retired advertising representative for a Roman Catholic newspaper, testified yesterday in support of Mr. Cohn's claim that the meeting occurred on Jan. 21, 1964, and produced a diary entry to confirm his story.

Mr. Cohn, 42 years old, is charged with bribing Bernard Reicher, then a New York City appraiser, to obtain confidential information for Fifth Avenue Coach Lines Inc. The information related to proceedings to determine what the city would pay for bus lines is seized from the company to end a strike in 1962.

Reicher has pleaded guilty to related charges in a state court and is awaiting sentencing.

Mr. Cohn also is charged with conspiring to force Lawrence I. Weisman, then president of Fifth Avenue Coach, to sell control of the company to Mr. Cohn's associates, under threats to expose Mr. Weisman's role in the alleged bribery scheme.

John A. Kiser, a former law partner of Mr. Cohn, and John F. Curtin, a Philadelphia transportation engineer formerly retained by Fifth Avenue Coach, are charged with conspiring in the bribery. Mr. Kiser is also charged with conspiring to extort control of the company from Mr. Weisman.

### The U.S. Contentions

The Federal prosecutors, John S. Allee and Paul L. Berito, contend that after his associates gained control of Fifth Avenue Coach on Jan. 29, 1964, Mr. Cohn volunteered bits of information about possible bribes to Mr. Larkin, under a pretense of candor, to direct Mr. Larkin's attention toward Reicher and Mr. Curtin. Mr. Cohn, in effect, was trying to throw investigators off the scent, the prosecutors allege.

Mr. Cohn's attorneys deny he had any part in the bribery scheme and insist that he told Mr. Larkin all he knew about the affair more than a week before Mr. Weisman gave up control of the company.

As a previous witness for the Government, Mr. Larkin didn't set a date for his meeting January 1964, Mr. Cassidy, a friend, telephoned and said he had been requested by Thomas A. Bolan to arrange a private meeting between Mr. Larkin and Mr. Cohn, who had some confidential information. Mr. Bolan is a friend of Mr. Cassidy and a law partner of Mr. Cohn. Mr. Larkin testified that he met Mr. Cohn the next day. Mr. Cohn said, according to Mr. Larkin, that Reicher had given documents to Mr. Curtin for Fifth Avenue Coach and that a payment had been made to Reicher through a travel agency.

Mr. Larkin said his conversation with Mr. Cohn happened on the morning of the day he visited the travel agency with Leon A. Fischel, then City Commissioner of Investigations. Mr. Fischel, testifying for the Government, said the visit to the travel agency occurred on the afternoon of Jan. 30, 1964, according to his records.

Yesterday, Mr. Cassidy said he wasn't present during the conversation. But he said his business diary showed the meeting was in mid-afternoon on Jan. 21, 1964. Mr. Bolan, 45, who is conducting Mr. Cohn's defense, also took the witness stand. He testified that he went to the meeting on the afternoon of Jan. 21, went into another room with Mr. Cassidy during the Cohn-Larkin conversation.

### Telephone Call Entries

An entry in Mr. Cassidy's diary for Jan. 29, 1964, shows that he spoke to Mr. Bolan and then to Mr. Larkin on the telephone about Mr. Cohn and Fifth Avenue Coach, but Mr. Cassidy denied that the conversation was to arrange the meeting in question.

On Mr. Cohn's behalf, Mr. Bolan questioned two agents of the Federal Bureau of Investigation about their interviews with Reicher. The last witness of the day was Burton M. Abrams, an attorney who was retained by Mr. Weisman on the weekend in January 1964 before control of Fifth Avenue Coach changed hands.

Mr. Abrams' carefully worded testimony seemed to contain material that both the defense and the prosecution could use. Mr. Abrams said Mr. Weisman seemed to be under great "pressure" to sell his Fifth Avenue Coach stock to the Cohn-sponsored group, because the group appeared poised for a take-over battle.

In addition, Mr. Abrams said, Mr. Weisman was concerned that unnamed authorities knew about an "indiscretion" committed in regard to a city official. Although company lawyers had assured him that it wasn't an "illegal act," Mr. Weisman reportedly said, the blame could be attributed to him by the new management if the "unfortunate incident . . . blew up" into a major affair.

Mr. Abrams testified that on Jan. 26, 1964, he drew up affidavits that were signed by Mr. Cohn and Mr. Kiser. The affidavits showed that they had been informed by Mr. Weisman of a \$2,000 advance to Reicher by Mr. Curtin. The affidavits continued that the lawyers had decided to take no action on assurances that it was a "bookkeeping matter," and that Mr. Weisman had told Mr. Curtin the advance was "unwarranted and unwise."

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## WITNESS FOR COHN DISPUTES ACCUSER

Testifies Counsel Learned of  
Bribe Only After a Year

By ARNOLD H. LUBASCH

A director of Fifth Avenue Coach Lines testified in Federal Court yesterday that another director had told him that Roy M. Cohn did not learn about the alleged bribery of a city appraiser until November, 1963, almost a year after it began.

Disputing a key prosecution witness, Solomon S. Silbert testified that the late Kenneth P. Steinreich said he had asked Mr. Cohn to investigate a rumor that the company's appraiser had paid for a Caribbean cruise for the city's appraiser.

The city appraiser, Bernard Reicher, will be tried later on charges that he took bribes from Fifth Avenue Coach to provide appraisal lists and other secret data from the city's files in the long condemnation case that determined how much the city would pay for seizing the bus company after a strike in 1962.

Mr. Silbert, an accountant who has remained on the board of directors of Fifth Avenue Coach since 1962, said Mr. Cohn told him in early January, 1964, that he had employed a private investigator who confirmed the cruise payment.

### City Reported Informed

According to Mr. Silbert, Mr. Steinreich told him after a meeting on Jan. 20, 1964, that he had asked Mr. Cohn to report the cruise payment information to the City Corporation Counsel.

Mr. Silbert testified that Mr. Steinreich subsequently told him that Mr. Cohn had reported the information to Leo A. Larkin, who was then the Corporation Counsel.

The Silbert testimony disputed that given by Lawrence I. Weisman, former president of Fifth Avenue Coach. He had told about the cruise payment shortly after it occurred in December, 1962, and that he approved of cash payments that were later made to the city appraiser in exchange for secret data.

Mr. Weisman, testifying as the prosecution's first witness last September, said Mr. Cohn had compelled him to yield control of the bus company in January, 1964, by threatening to expose the company's president's part in the payments to the city appraiser.

### Witness Cross-Examined

In cross-examining Mr. Silbert, the prosecution brought out that he had been associated with Mr. Cohn since 1961, when they cooperated in a proxy fight for control of the bus company.

Mr. Cohn's lawyers then called several more witnesses as they sought to discredit the prosecution testimony of Mr. Reicher and another key witness who allegedly collected bribes for him.

Mr. Reicher testified that representatives of Fifth Avenue Coach promised him \$50,000 and paid about half of it to obtain confidential information that he supplied while he worked as an appraisal expert for the city in the condemnation case.

Bernard Patrusky, a lawyer and accountant, testified that Mr. Reicher hired him to collect overdue payments from Fifth Avenue Coach without telling him that bribery was involved.

Mr. Patrusky said that he delivered two cash payments from Mr. Cohn to Mr. Reicher in February and June of 1964, but that he ceased to represent the accused appraiser when he became suspicious about the circumstances of the payments.

### Defense Nearing End

The defense for Mr. Cohn opened on Wednesday with a series of witnesses, including three agents of the Federal Bureau of Investigation, who were called to contradict dates and events in the prosecution testimony.

Mr. Cohn, who has not testified, is expected to rest his defense soon, possibly today.

The 42-year-old lawyer and financier, who was a counsel and a director of Fifth Avenue Coach when it was seized by the city, went on trial last Sept. 23 on charges of conspiracy, bribery and extortion.

His former law partner, John A. Kiser, and a transit expert, John F. Curtin, are also defendants in the trial before Judge Inzer B. Wyatt.

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Mr. Kiser is accused of participating with Mr. Cohn in the conspiracy to bribe Mr. Reicher and in the extortion of stock from Mr. Weisman.

Mr. Curtin, who allegedly paid for Mr. Reicher's Caribbean cruise, is accused in taking part in the bribery conspiracy, but not in the extortion.

Neither Mr. Kiser nor Mr. Curtin testified in his defense, and both completed their cases before Mr. Cohn opened his defense, which will resume to-bean cruise, is accused of taking day at 11:15 A.M.

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Date DEC 5 1969

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## Cohn Claim Supported That He Didn't Know First Hand of 'Bribes'

Director of Fifth Avenue Coach  
Is Witness for the Defense on  
Charges as Trial Nears Close

By a WALL STREET JOURNAL Staff Reporter

NEW YORK — A director of Fifth Avenue Coach Lines Inc. backed Roy M. Cohn's claim that he hadn't any first-hand knowledge of bribes assertedly paid to a New York City appraiser by company officials.

The director, Solomon S. Silbert, was a defense witness at the onetime anti-Communist investigator's trial, with two others, on charges of bribery and extortion conspiracy. The trial is drawing to a close.

Mr. Silbert testified that in October or November 1963, the late Kenneth P. Steinreich, another director of Fifth Avenue Coach, asked if Mr. Silbert had heard rumors about a payoff to a city official. Mr. Silbert replied he hadn't. Several days later, the witness continued, Mr. Steinreich telephoned him again and reported Mr. Cohn had said he hadn't heard anything about the matter either. Mr. Steinreich said he had asked Mr. Cohn to investigate, the witness said.

In November, Lawrence I. Weisman, then president of the company, had Mr. Cohn's firm dismissed as its general counsel, but Mr. Silbert said the investigation continued. In January 1964, Mr. Silbert stated, Mr. Cohn told him that an investigator had learned that a transportation engineering concern, Simpson & Curtin, had arranged for a questionable payment and that Mr. Weisman knew about it.

Then, on Jan. 2, 1964, Mr. Silbert testified, Mr. Steinreich said he had told Mr. Cohn to give the information to the New York City corporation counsel and that Mr. Cohn had responded that he had done so.

The alleged bribes, paid to Bernard

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Reicher, then a city appraiser, were purportedly for confidential data about proceedings to determine what the company would get for bus lines seized by the city in 1962 to end a strike.

Mr. Cohn is charged with delivering a bribe, as well as conspiring with John A. Kiser, a former law partner, and John F. Curtin, head of by the company, to bribe Reicher.

Mr. Cohn and Mr. Kiser also are accused of conspiring to get control of Fifth Avenue Coach for Mr. Cohn's associates in January 1964, by threatening to expose Mr. Weisman's part in the alleged bribery.

#### Took Control Early in 1964

Mr. Silbert's story also supported Mr. Cohn's contention that he informed the city corporation counsel about the affair before the Cohn-sponsored group took control of the company. That contention is intended to refute Federal prosecutors' claims that Mr. Cohn blackmailed Mr. Weisman to sell out and that Mr. Cohn made a partial disclosure to the city after the group got control, in order to cover up his own deeds. The new group took control of the company on Jan. 29, 1964.

Mr. Cohn's other witnesses yesterday in U.S. District Court appeared briefly and gave accounts aimed at highlighting discrepancies in the testimony of prosecution witnesses.

Judge Inzer B. Wyatt refused, however, to admit the statements of three witnesses who were to be used to discredit Bernard Patrusky, an accountant and a lawyer. Mr. Patrusky testified for the Government that he was the intermediary for two payments from Mr. Cohn to the former appraiser.

After the jury was dismissed, Thomas A. Bolan, Mr. Cohn's defense attorney, told the judge that the witnesses would show that Mr. Patrusky and his associates reported on insurance claims in 1966, 1967, and 1968 that their cars had been stolen. In each case, Mr. Bolan stated, the claimants said the cars contained important financial records that were missing when the cars were recovered.

#### Evidence Not Admissible

Judge Wyatt ruled, though, that the evidence wasn't admissible, because it would be used in an attempt to impeach Mr. Patrusky through matters that are irrelevant to the trial.

Neither Mr. Kiser nor Mr. Curtin, who com-

pleted their short defense cases at the beginning of the week, have taken the witness stand. Courtroom observers doubt that Mr. Cohn will, either.

Through lengthy cross examination, defense attorneys attempted to show that key prosecution witnesses were admitted violators of the law or implied that they were testifying to escape or mitigate prosecution. Witnesses for the defense, however, so far have provided only limited factual attacks on the major allegations of the prosecution.

Although Mr. Cohn and his counsel haven't disclosed their next moves, they may call their last witness today. In that event, the prosecutors, John S. Allee and Paul L. Perito, followed by attorneys for the three defendants, probably would begin Monday to make long summations of their cases. Judge Wyatt will make a charge to the jury before it begins to ponder the defendants' innocence or guilt.



# COHN COMPLETES DEFENSE IN TRIAL

## Rep. Biaggi Tells of Meeting With Ex-Bus President

By ARNOLD H. LUBASCH

Roy M. Cohn completed his defense yesterday against charges that he bribed a city appraiser and extorted stock from a bus company president.

After more than 10 weeks of testimony by 50 witnesses, the trial will resume in Federal Court on Monday to hear summations by the prosecution and the defense.

The final defense witness was Representative Mario Biaggi of the Bronx, who testified that the former president of the Fifth Avenue Coach Lines expressed gratitude toward Mr. Cohn three years after the alleged extortion.

Describing a chance meeting in 1967 with Lawrence I. Weisman, the alleged extortion victim, Mr. Biaggi said Mr. Weisman told him that he no longer headed Fifth Avenue Coach and that "Mr. Cohn had obtained a fantastic settlement for him."

"I will do anything I can for Roy, because I owe him so much," Mr. Biaggi quoted Mr. Weisman as having told him.

This conflicted with Mr. Weisman's testimony that Mr. Cohn forced him to sell his stock and yield control of the bus company by threatening to expose Mr. Weisman's role in the alleged bribery of a city appraiser.

Mr. Cohn is accused of taking part in the bribery to obtain secret data from the city's files in the condemnation case that awarded more than \$30-million to the bus line after the city seized it in a 1962 strike.

Mr. Biaggi, a former police lieutenant elected to Congress with Democratic and Conservative support, testified that he developed "a very dear and personal friendship" with Mr. Cohn because of Mr. Cohn's activities as president of the American Jewish League Against Communism.

The gray-haired witness said his 1967 conversation with Mr. Weisman took place when they happened to meet in the outer office of Mr. Cohn's law firm.

Under cross-examination, Mr. Biaggi said that he knew nothing about the affairs of Fifth Avenue Coach and that the subject had come up casually in his conversation with Mr. Weisman.

"It just came up out of the blue?" John S. Alley asked for the prosecution.

"That's right," Mr. Biaggi replied.

After the Congressman's brief testimony, the defense rested its case without Mr. Cohn's taking the stand.

The defense rested earlier this week for John A. Kiser, a former law partner of Mr. Cohn and John F. Curtin, a transit expert. They also did not testify in their own defense.

Lawyers for the three defendants in the case concentrated on efforts to discredit the testimony of Mr. Weisman and other key witnesses for the prosecution.

Mr. Cohn, a 42-year-old lawyer and financier, is the only defendant named in all five counts of the Federal indictment in the trial.

Count one, which carries a maximum penalty of five years in prison and a \$10,000 fine, charges all three defendants with a conspiracy to bribe the city appraiser in the condemnation case.

Counts two and three, carrying maximum penalties that total 20 years in prison and \$9,000 in fines, charged Mr. Cohn with paying a bribe and aiding in the receipt of a bribe, for the appraiser.

Count four, with a maximum sentence of five years and \$10,000, charges Mr. Cohn and Mr. Kiser with a conspiracy to extort the controlling stock from the bus president.

Count five, which also carries a maximum of five years and \$10,000, charged Mr. Cohn and Mr. Kiser with the act of extortion.

A sixth count, charging blackmail, was dismissed by Judge Inzer B. Wyatt on the ground that it failed to involve a violation of Federal law.

The other charges came under Federal jurisdiction because they involved the use of the mails or other Federal facilities.

In recessing the trial until 10 A.M. on Monday, Judge Wyatt noted that the prosecution wanted to introduce a final bit of evidence before the start of the summations.

"Except for a very tiny bit of evidence to be received by the Government Monday morning," he told the jury, "the taking of evidence in this case has been completed."

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# Cohn Trial Summations Begin Today; Jury Seen Being Charged Thursday

Neither the Controversial Lawyer  
Nor 2 Bribe Case Codefendants  
Took Stand in Long Proceeding

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Defense attorneys today will begin to argue the cases for the innocence of lawyer-businessman Roy M. Cohn and two others at their trial on Federal charges of bribery and extortion conspiracy.

Mr. Cohn completed the brisk presentation of 18 witnesses Friday afternoon, without taking the stand in his own behalf. Neither of his codefendants, John A. Kiser and John F. Curtin, had testified for himself in offering their defenses earlier.

Surprisingly, the cases for the defendants consumed only a week of the drawn-out trial, which began Sept. 23. It has been interrupted repeatedly by illnesses; it has been in session for 36 days, but in recess for 18.

Judge Inzer B. Wyatt told jurors in U.S. district court Friday that the taking of evidence had been completed, except for "a tiny bit" that the Government will offer the first thing today in rebuttal to defense testimony.

According to a schedule made Friday, Mr. Curtin's attorney, Richard Owen, will summarize his defense first, and he has asked for three hours. Next will come Mr. Kiser's attorney, Edward M. Garlock, who has been allotted four hours, Mr. Cohn's attorney, Thomas A. Bolan, then asked for four hours. Finally, the prosecutors, 37-year-old John S. Allee and 31-year-old Paul L. Perito, asked for four hours to argue the defendants' guilt.

That schedule would take the summations through Wednesday. If it is followed, Judge Wyatt on Thursday would instruct the jury on relevant aspects of the law, before sending the eight men and four women out to deliberate.

The 42-year-old Mr. Cohn aided the late Sen. Joseph McCarthy investigations of alleged Communist conspiracies in the early 1950s. Five years ago, Mr. Cohn was tried on Federal charges of perjury and attempts to obstruct a grand-jury investigation of a stock fraud. After two protracted trials, the first ending in a mistrial, he was acquitted.

## Back at 1964 Scene

Currently he is back in the same courtroom where he was tried in 1964 and where, a dozen years before that, he himself appeared as a young Federal prosecutor. He entered the present case through his leading role in a group that took control of Fifth Avenue Coach Lines Inc. in 1962.

He is charged in three counts with conspiring to bribe and obstruct justice. Reicher, then a New York City appraiser, allegedly purpose allegedly was to get confidential data for Fifth Avenue Coach about proceedings to determine

what the city would pay for bus lines it seized from the company in 1962 to end a strike.

Mr. Cohn also is charged in two counts of violating Federal law in conspiring to force Lawrence I. Weisman, then chairman and president of Fifth Avenue Coach, to sell control of the company to a Cohn-backed group in January 1964, through threats to expose Mr. Weisman's part in the alleged bribery.

If convicted on all counts, Mr. Cohn could be sentenced to a maximum of 35 years in prison and fines totaling \$89,000.

Mr. Cohn also is scheduled for trial next year on a 10-count indictment accusing him of conspiring to defraud Fifth Avenue Coach and other companies for funds for a bribe in another matter and of filing misleading reports with the Securities and Exchange Commission. Mr. Cohn has pleaded innocent to these charges.

Mr. Kiser, 56, a former law partner of Mr. Cohn and a former director of Fifth Avenue Coach, is charged in three counts with conspiring in bribery and extortion. If convicted, his maximum sentence could be 15 years in prison and fines of \$30,000.

Mr. Curtin, 57, is a Philadelphia transportation engineer who was retained by Fifth Avenue Coach as an expert in the condemnation suit with the city. He was described by the prosecution as the principal contact between the company and the city appraiser, Reicher, and is charged with one count of bribery conspiracy. If convicted, he could be sentenced to a maximum of five years in prison and a \$10,000 fine.

Reicher also was indicted with Messrs. Cohn, Kiser, and Curtin and was named in one count of bribery conspiracy. He also pleaded innocent. However, he appeared as a Government witness and is to be tried separately later. Reicher previously was indicted by a state court grand jury on charges of filing false bills with the city for his work on the Fifth Avenue Coach appraisals.

In November 1967, Reicher pleaded guilty of attempted grand larceny in the second degree. His sentencing in state court has been postponed repeatedly. It currently is scheduled for Feb. 18.

## One Count Dismissed

At the completion of the prosecution's case in the current trial, Judge Wyatt dismissed one count in the indictment that accused Mr. Cohn and Mr. Kiser of actually obtaining a change in control of Fifth Avenue Coach by threats to expose a violation of Federal law.

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# Cohn Trial Defendant Depicted as Not Having Any Motive to Bribe

## Curtin's Lawyer Says He Only Did Job as Appraiser, Asserts U.S. Failed to Offer Solid Evidence

By a WALL STREET JOURNAL Staff Reporter

NEW YORK — John F. Curtin hadn't any motive for bribery, nor does the evidence support the charge against him, his attorney asserted at the trial of Roy M. Cohn, Mr. Curtin, and John A. Kiser.

Closing arguments at the trial in U.S. district court began yesterday, with Mr. Curtin's attorney, Richard Owen, the first to face the jury. Attorneys for the other defendants and then the prosecutors will deliver their arguments before Judge Inzer B. Wyatt turns the case over to the jury, which is expected toward the end of the week.

Mr. Curtin, a 57-year-old transportation engineer from Philadelphia, is charged, in only one count, of conspiring to bribe a New York City appraiser in 1962 and 1963. The purpose allegedly was to gain confidential data for Fifth Avenue Coach Lines Inc., during condemnation proceedings to determine what the company would get for bus lines that the city seized in 1962 to end a strike.

Mr. Owen argued that Mr. Curtin had been retained as a consultant by Fifth Avenue Coach since the late 1940s and that he was simply "inherited" with the company when a group that included Mr. Cohn as a leader and Mr. Kiser as an associate took control early in 1962.

During the condemnation proceedings over the next two years or so, Mr. Owen declared, Mr. Curtin's only actions were in "just doing the job of an appraiser" preparing the company's legal case.

Mr. Cohn, 42, the former investigator of Communists, is charged in three counts of conspiring to bribe and bribing the city official.

### Extortion Conspiracy Charge

He also is charged in two counts of conspiring to extort a change in control of the company by threatening to expose the role of an associate, Lawrence I. Weisman, then Fifth Avenue Coach's president, in the alleged bribery scheme.

Mr. Kiser, 45, a former law partner of Mr. Cohn, is charged in three counts of conspiring in bribery and extortion. His attorney, Edward M. Garlock, is scheduled to summarize his defense beginning this morning.

The recipient of the purported bribes allegedly was Bernard Reicher, who testified for the Government. Reicher was indicted with the three defendants currently on trial, but at Government request he was not indicted later. Reicher previously was indicted in a state

court on charges of filing false bills with the city in regard to the condemnation proceedings. He pleaded guilty to attempted grand larceny in the second degree and is awaiting sentence.

Mr. Weisman, the former head of Fifth Avenue Coach, also testified for the Government, under a court order of immunity from prosecution.

Mr. Owen told the jury yesterday that the Government had "three pillars" in its case against Mr. Curtin. The first is that Reicher allegedly turned over to Mr. Curtin or an associate about 15,000 sheets of inventoried bus-line property, listing the city's own appraisal of its value. In return, Reicher testified, Mr. Curtin and Mr. Weisman agreed to pay Reicher \$50,000.

The second claim, the defense attorney continued, was that Mr. Weisman received a special city report on bus appraisals and turned it over to Mark Hughes, an attorney for the company in the condemnation case.

The third accusation, Mr. Owen said, was that Mr. Curtin gave, rather than lent, Reicher \$1,980 for a Caribbean cruise in December 1962 and later got Reicher to make out a promissory note as a "cover-up."

### Defense's Story

Yet, Mr. Owen insisted to the jury of eight men and four women, five former employees of Mr. Curtin testified that they never saw the 15,000 sheets and that they themselves worked up the figures for the company appraisal. Mr. Hughes, the company attorney, testified that he never got the special bus-appraisal report prepared by the city, Mr. Owen declared, and a city official testified that the report hadn't been completed at the time in question.

Finally, the defense lawyer said, testimony about the promissory note "destroys" the allegation of a cover-up.

The Government produced "not one shred" of evidence to corroborate the testimony of Reicher, a known "perjurer," Mr. Owen said.

Moreover, Mr. Owen stated, it was to Mr. Curtin's "economic advantage" to do the work he was retained for, and he had "no motive" to bribe the city official for city data. On the other hand, Mr. Owen declared, the trial has demonstrated that Mr. Weisman and Morton J. Weinberg, a former company officer who testified for the Government that he delivered two payments to Reicher, "had the strongest mo-

tives." This was because they were large stockholders in Fifth Avenue Coach, he said, and would benefit from the higher value of their stock if the city's payment to the company were increased.

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## Cohn Trial Gets To Summations

Summations started in Federal Court yesterday in the lengthy conspiracy-bribery trial of Roy M. Cohn and two co-defendants. The lead-off summation before Judge Inzer B. Wyatt and a jury of eight men and four women was delivered by Richard Owen, attorney for transit specialist John A. Curtin. Summations will follow by Edward M. Garlock, lawyer for Cohn's former law partner, John A. Kiser; Thomas A. Bolan, representing Cohn, and the prosecutor. Wyatt is expected to make his charge on Thursday.

NEW YORK TIMES, DECEMBER 9, 1969

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## Defense Summations Are Begun At Cohn's Bribery Trial Here

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By ARNOLD H. LUBASCH

A lawyer summed up the defense yesterday for John F. Curtin, a transportation engineer accused of conspiring with Roy Cohn and others to bribe city appraiser.

The defense lawyer, Richard Owen, argued that Mr. Curtin had "no motive whatever" to bribe the appraiser in the condemnation case that determined how much the city would pay for seizing the Fifth Avenue Coach Lines to end a strike in 1962.

Standing before the railing of the jury box in Federal Court, Mr. Owen contended that his 57-year-old client had conducted the appraisal work for Fifth Avenue Coach without obtaining any confidential information from the city appraiser.

### Summation is 3½ Hours

The solidly built, mild-mannered defendant listened intently and impassively to his lawyer's three-and-a-half hour summation disputing the prosecution's contention that Mr. Curtin took part in the bribery conspiracy to obtain inventory lists and other secret data from the city's files.

After more than 50 witnesses, 6,000 pages of evidence and 11 weeks trial, the proceedings will resume at 10 A.M. today to hear the summations for the two other defendants.

John A. Kiser, a former law partner of Mr. Cohn, is charged with participating in the bribery conspiracy and the extortion of stock from the former president of Fifth Avenue Coach.

Mr. Cohn is charged with the bribery conspiracy, the act of bribery and the extortion to gain control of the bus company from Lawrence I. Weisman, who was named as a co-conspirator but not a defendant.

The charge against Mr. Curtin is limited to a conspiracy count, which can carry a maximum sentence of five years in prison and a fine of \$10,000.

In his summation, Mr. Owen

sought to discredit the testimony of Bernard Reicher, the city appraiser, who said that his bribery arrangements were initiated with Mr. Curtin.

Mr. Reicher, who will be tried separately on a charge of taking bribes, was dismissed by the city after a disclosure that he went on a Caribbean cruise paid for by Mr. Curtin's company during the condemnation case in 1962.

### Cruise Payment in Dispute

The defense argued that the \$1,980 paid for the cruise represented a loan from Mr. Curtin and that Mr. Reicher repaid it.

Mr. Owen conceded in his summation that the alleged loan was a mistake on the part of Mr. Curtin.

"He did it for a friend," Mr. Owen said. "Yes, it was foolish. Is it a criminal act? It certainly is not a criminal act. What did he get for this? Absolutely nothing."

Mr. Owen stressed that Curtin employees testified that they had never seen the secret data Mr. Reicher said he supplied for subsequent payments from Fifth Avenue Coach.

"Where," he asked, "did you hear one honest man take the stand and say my client committed a criminal act?"

"I say that the facts in the whole case here cry out for acquittal," he concluded.

Thanking the jury of eight men and four women for continued patience, Mr. Owen noted that the trial began Sept. 23.

"During that time," he said, "my infant son has gone from crawling to walking. That's how long it has been."

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# Roy Cohn Takes Over Own Defense Sum-Up

By NORMA ABRAMS

In a surprise move, Roy M. Cohn, who did not take the stand in his bribery-conspiracy trial in Federal Court, took over his own defense summation last yesterday before a packed courtroom.

Word that Cohn, a 42-year-old lawyer and onetime aide to the late Sen. Joseph R. McCarthy, would handle his own summation spread through the courthouse shortly after noon. The courtroom, deserted for the most part during the last two weeks of the 11-week trial, was soon jammed.

## Regular Counsel Ill

Thomas Bolan, Cohn's law partner who had been handling his defense since Cohn's regular defense attorney, Joseph E. Brill, became ill two weeks ago, explained to the court that he had been absent during much of the early testimony. There were no objections to Cohn's taking over.

Cohn started speaking quietly,

attacking the testimony of government witnesses point by point, and soon picked up steam. He gesticulated with both hands to press home his arguments and had the jury laughing with him over little jokes.

## "Little Did I Think—"

Stating that it was the first time he had ever defended a client in a criminal case, he said: "Little did I think when I went to law school that I would be my own first client."

When court adjourned after he had talked for 45 minutes, Cohn said that the remainder of his summation would take the better part of today's session.

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# Cohn Ridicules a Key Witness In Ending Defense Summation

By ARNOLD H. LUBASCH

Roy M. Cohn completed his defense summation yesterday after he had repeatedly ridiculed a former bus company president as the victim of "your friendly blackmailer."

Pointing accusingly at an empty witness chair in Federal Court, he assailed the key testimony of Lawrence I. Weisman, who said Mr. Cohn had extorted stock from him to gain control of the Fifth Avenue Coach Lines.

Mr. Cohn read aloud from a letter that he said Mr. Weisman had sent him after the alleged extortion. It ended:

"Roy, I hope I'll always be able to count you as one of my friends."

"Of course," Mr. Cohn added, "this is just the sort of letter you write to your friendly blackmailer."

Summing up his own defense against charges of conspiracy, bribery and extortion, the 42-year-old defendant displayed a friendly note that he subsequently sent to Mr. Weisman with the signature, "Sincerely, Roy."

"I suppose the note should say," he told the jury with a smile, "'sincerely, your friendly blackmailer' or something."

Mr. Cohn observed that he had been invited to Mr. Weisman's wedding, had attended a cocktail party in the Weisman home and had received a silver pitcher as a gift from Mr. Weisman, all after the alleged extortion.

## Warm Engraving

Flourishing the foot-high pitcher in front of the jury, Mr. Cohn cited its engraved inscription, which was signed with Mr. Weisman's initials and which said: "To the 2d best lawyer of the United States. With high regard and affection. L. I. W.—No. 1."

Mr. Cohn contended that Mr. Weisman, a lawyer who yielded control of Fifth Avenue Coach in 1964, was not the frightened victim of extortion but the eager seller of his bus stock at a substantial profit.

The prosecution, which will sum up its case when the trial resumes at 10 A.M. today, contends that Mr. Cohn extorted the controlling stock from Mr. Weisman by threatening to expose the bus president's role in the bribery of a city appraiser.

Bernard Reicher, the city appraiser, testified that Fifth Avenue Coach had paid him about \$25,000 for secret data from the city's files in a condemnation case that awarded over \$30-million to the bus company after it was seized by the city in a 1962 strike.

## Denies Payments

A lawyer-accountant, Bernard Patrusky, testified that he had delivered two cash payments from Mr. Cohn to Mr. Reicher for a fee before he realized that bribery was involved.

In his five-hour summation, which extended for two days, Mr. Cohn vigorously attacked the testimony of Mr. Reicher and Mr. Patrusky as well as Mr. Weisman.

Mr. Cohn asserted that he had never made the alleged payments to Mr. Reicher and that any money the city appraiser obtained from Fifth Avenue Coach had represented extortion rather than bribery.

Acting out conversations described in the trial record, Mr. Cohn read from the Reicher testimony that the city appraiser had insisted that Mr. Weisman agree to pay for appraisal information that the bus company was entitled to receive without charge.

"If it all happened, that's extorted tribute, not bribery," Mr. Cohn said, rapping his knuckles on a wooden table top for emphasis.

Mr. Cohn, an experienced lawyer with a brisk delivery, charged that the prosecution's case was based on the testimony of perjurers, blackmailers and swindlers.

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He completed his summation by expressing his faith in the judicial system of the United States, which he said was "a country a lot of people like to knock, but it's the greatest country in the world."

#### **Avoids Cross-Examination**

The summation enabled him to speak out in his own defense without submitting to cross-examination, since he did not testify as a witness.

Afterward, the defendant chatted amiably with newsmen as he has done during recesses throughout the arduous trial that started Sept. 23.

If convicted and given the maximum penalty on all the charges against him, Mr. Cohn could be sentenced to 35 years

in prison and \$39,000 in fines.

Two other defendants facing lesser charges in the case are John A. Kiser, a former law partner of Mr. Cohn, and John F. Curtin, a transit expert from Philadelphia.

After the prosecution's summation today, Judge Inzer B. Wyatt will submit the case to the jury tomorrow.

The jury's findings will be delivered by the foreman, Joseph Tague, a warehouse checker who wears a lapel pin of the United States flag.



Associated Press

**FINISHES SUMMATION:**  
Roy M. Cohn, who spoke in his own defense in Federal Court. His lawyer was ill.



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# The Court Is a Full House To See if Cohn Has an Ace

By NORMA ABRAMS

**3A** Roy Cohn drew a full house in Federal Court yesterday as he continued his own defense summation against charges of bribery, conspiracy and extortion.

The spectators included mini-skirted secretaries, mod-suited law clerks, trial buffs, several of Cohn's old friends and people who had heard of his reputation as a brilliant lawyer. Many spectators brought their lunch so they wouldn't lose their seats during the noontime recess.

But those who expected legal pyrotechnics were disappointed. Cohn's summary was precise, detailed and almost devoid of emotion. He attacked the government's case charge by charge, point by point, witness by witness.

He claimed the bribery charge was invalid because what the prosecution said was bribery was actually extortion.

## "Extorted Tribute"

Cohn concentrated on the charge that he and two co-defendants bribed a city appraiser, Bernard Reicher, and thus deprived the city of Reicher's "faithful and honest services." Cohn described the alleged bribery payments as "extorted tribute."

Reicher, a key government witness during the 11-week trial, was assigned to appraise the Fifth Ave. Coach Lines during 1962 condemnation proceedings. He testified that Cohn and his associates paid him \$23,000 in bribes.

"Actually, this 'honest and faithful' servant threatened to harass and injure Fifth Ave. Coach unless money was paid," said Cohn, who was a director and counsel of the bus line.

"This must be extortion, because, by court order, the appraisals were to be exchanged by either side during the trial on evaluation of Fifth Ave. Coach property."

To back up the extortion claim, he reminded the jury that Reicher admitted asking \$50,000 from Lawrence I. Weisman, then executive vice president of the bus line, to "expedite" the condemnation proceedings.

"Is this a bribe or extortion?" Cohn asked.

Cohn said Weisman, a major government witness, had been promised immunity from prosecution if he would testify against Cohn. According to Cohn, Weisman and get out."

## "Had to Sing"

"He had to sing for his supper," Cohn said. "And if they (the prosecution) didn't like what he sang, he wouldn't have gotten immunity."

After attacking the credibility of government witnesses and pointing out discrepancies in their stories, Cohn told the jury: "If people are proven guilty beyond a reasonable doubt, I believe they should be convicted. If you believe the charges here against me, you should convict me. If you have a reasonable doubt, I ask you for acquittal."



NEWS photo by Leonard Detrick  
 Roy Cohn arriving for trial.

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# Cohn Finishes Arguing Innocence of Alleged Bribery and Extortion

## U.S. Attorney to Sum Up Case For Prosecution Today; Jury To Start Deliberating Friday

By a WALL STREET JOURNAL Staff Reporter  
NEW YORK — Roy M. Cohn completed a methodical, 3½-hour argument of his innocence yesterday in U.S. district court. He stressed these points:

—If there was a conspiracy, beginning in 1962, to bribe a New York City appraiser on behalf of Fifth Avenue Coach Lines Inc., Mr. Cohn wasn't aware of it.

—If payments were made, they weren't bribes, but rather "extorted tribute" demanded by the appraiser, Bernard Reicher, for information to which the company was legally entitled.

—If, for the sake of argument, Mr. Cohn made payments to Reicher after Reicher was fired by the city in 1964, Mr. Cohn wasn't bribing anyone, he was being blackmailed.

—If Lawrence I. Weisman testified on one day that he sold his stock in Fifth Avenue Coach to a Cohn-sponsored group because Mr. Cohn threatened to expose his part in the alleged bribery, Mr. Weisman the next day gave 11 reasons why it was to his benefit to sell out.

Mr. Cohn, who took the unusual step of summing up his own defense after 11 weeks of trial on bribery and extortion charges, closed his argument to the jury by elaborating on a Biblical quotation. The quotation, which the 42-year-old former anti-Communist investigator said he took from earlier remarks by Judge Inzer B. Wyatt, was given as, "It is better the ending of the thing than the beginning thereof."

"I know, I hope, I pray that when the ending comes, it will be better than the beginning," Mr. Cohn told the jury of eight men and four women. "I thank you so much."

Assistant U.S. Attorney John S. Allee, 37, is to argue the prosecution's case today. Judge Wyatt will then instruct the jury on the law tomorrow before sending it out to reach a verdict.

### Two Others on Trial

At the time of the alleged crimes, Mr. Cohn was chief legal counsel for Fifth Avenue Coach and a director. He is being tried with two others—John A. Kiser, 45, a former law partner of Mr. Cohn and a former director of the company and John F. Curtin, 37, a transportation engineer who was retained by the company as an appraiser.

The three allegedly conspired with others to bribe Reicher for confidential data during condemnation proceedings to determine what Fifth Avenue Coach would get for bus lines the city seized in 1962 to end a strike. Mr. Cohn and Mr. Kiser also are accused of conspiring to threaten Mr. Weisman, then chairman and president of Fifth Avenue Coach, in order to force him to deliver control of the company.

Mr. Cohn ranged through the testimony of more than 50 witnesses, attacking Government allegations, challenging apparent inconsistencies and lathering sarcasm and scorn on the motives and truthfulness of the witnesses against him.

Forbidden, as an attorney arguing for himself, to make outright denials of the charges against him, Mr. Cohn carefully insisted that according to analysis of the testimony and the documentary evidence, the charges are false. At the recesses, a crowd of friends rose from the courtroom's padded benches to offer him encouragement.

Referring to the three counts involving bribery, in two of which he is named alone, Mr. Cohn said, "Under the facts, these counts are out . . . We haven't only proved there is reason-

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able doubt about them, but that ~~beyond reason-~~  
~~able doubt~~ these events never happened."

#### Limitations Statute Cited

But Mr. Cohn also told the jurors he expects the judge to instruct them that to prove the bribery conspiracy, they must find that some overt act after Jan. 17, 1964, furthered the conspiracy. That is because the indictment in the case was returned by the grand jury last Jan. 17, and the statute of limitations bars prosecution for actions that ended more than five years before that.

It was at this point that Mr. Cohn, while not admitting that he made alleged payments to Reicher's intermediary in February and June 1964, said testimony showed that any such payments would have been as the result of blackmailing Mr. Cohn, not bribing Reicher.

Turning to Mr. Weisman's claim of threats against him by Mr. Cohn, Mr. Cohn said Mr. Weisman was eager to sell his Fifth Avenue Coach stock in January 1964 for a variety of reasons, including a profit of nearly \$250,000. Then Mr. Cohn listed a number of incidents in the months and years that followed that demonstrated Mr. Weisman's continuing cordial relations with him. As recently as last year, Mr. Cohn said, Mr. Weisman had "problems in Baltimore" and on another occasion, got "free office space" from Mr. Cohn.

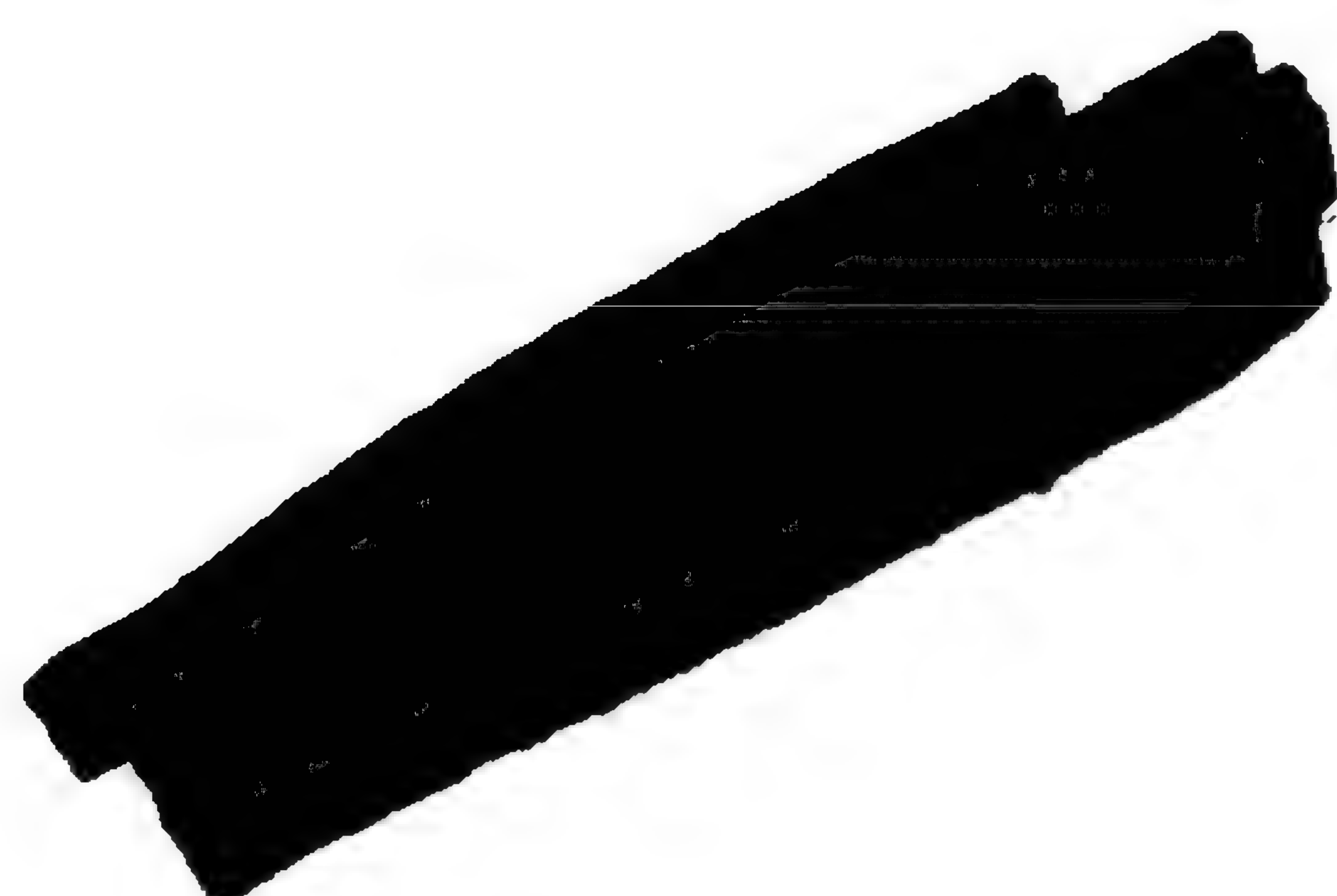
"Who did he call for help?" Mr. Cohn asked sarcastically. "His friendly blackmailer."

As for the witnesses against him, Mr. Cohn declared, "The main perpetrators (of any crime) aren't here. John Curtin, John Kiser, and I are here." Charging that the witnesses "sang for their supper" to escape prosecution or ease their penalties in other cases, Mr. Cohn said, "It's a frightening thing for a defendant on trial to have a verdict depend on the testimony of people like these—people who admit they lied here and lied there, but want you to believe they're telling the truth to you. It's a game of Russian roulette."



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# Cohn Pictured as Invisible Manipulator

By NORMA ABRAMS

26 Roy M. Cohn was depicted in Federal Court yesterday as "the man in the background" who made sure that he was not present himself when bribes were being handed out, but was nevertheless aware of and party to a scheme to bribe a city appraiser.

The picture of Cohn as a "little man who wasn't there" was provided by Assistant U.S. Attorney John Allee during all-day summation for the government. Cohn summed up for his own defense Tuesday and Wednesday.

Judge Inzer B. Wyatt is scheduled to charge the jury of eight men and four women today. He is expected to speak for a full day, after which the jury will

retire to decide their verdict. The trial began Sept. 23.

In his summation, Allee said that the testimony showed that Cohn was conspicuously absent on two occasions when bribes were allegedly given to Bernard Reicher, a city appraiser, for inside information on how much the city was willing to pay for purchase of the Fifth Ave. Coach House.

Allee said that "his circumspect behavior to stay in the background" enabled Cohn to blow the whistle to Corporation Counsel Leo Larkin on the supposed role of Lawrence Weisman, president of Fifth Ave. Coach, in the supposed bribery plot.

## Defense Witness Hit

The prosecutor labeled a Cohn defense witness, Solomon Silbert, an "obvious, blatant perjurer."

and said that fortunately the government had copies of Silbert's previous grand jury testimony to offset his testimony on the stand.

In reference to a defense contention that the government witnesses were "not nice people," Allee declared, "These witnesses were not picked by us. They were the friends, associates and accomplices of the defendants."

In addition to Cohn, there are two other defendants, John A. Kiser, Cohn's former law partner, and John F. Curtin, a Philadelphia transit expert.

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## Cohn Prosecutor Cites 'Core of Truth'

By ARNOLD H. LUBASCH

A Federal prosecutor, summing up his case here yesterday against Roy M. Cohn and two former associates, said "the hard core of truth" was that they had participated in bribery and extortion.

After Judge Inzer B. Wyatt instructs the jury today in Federal Court, it will begin its deliberations. The case involves charges that grew out of the city's seizure of the Fifth Avenue Coach Lines in 1962.

John S. Allee, the chief prosecutor, told the jury in his four-hour summation of the 11-week trial that the Government's witnesses had differed on details but had provided the essential truth.

### 'Bent Over Backwards'

The important thing is the hard core of truth that runs through the testimony of these witnesses that there was bribery, there was extortion, and these defendants participated in these crimes," Mr. Allee asserted.

The boyish-looking, dark-haired 37-year-old prosecutor firmly denied accusations by Edward M. Garlock, a defense lawyer, who contended that the prosecution had resorted to perjured testimony and fraudulent evidence.

Addressing the jury in a low voice, Mr. Allee said that the prosecutors had "bent over backwards" to present the truth and that they had even recalled a witness to correct an error when it was discovered.

Thomas A. Bolan, a defense lawyer for Mr. Cohn, leaped to his feet to object, shouting that the witness had been recalled on the demand of the defense.

The Government brought this matter to the court's attention," Judge Wyatt replied sharply. "Sir, will you take your seat!"

When Mr. Bolan continued to object, Judge Wyatt rose from his red leather chair in visible anger and banged his gavel.

For the first time, the gray-haired judge exclaimed: "You take your seat until you have something worthy to rise for."

### Diversions Charged

Resuming his summation, Mr. Allee said the defense had portrayed the prosecutors and witnesses as "devils and monsters" to divert attention from the evidence.

"We don't condone the conduct of these witnesses," Mr. Allee told the jury. "We take witnesses where we find them."

"The only way to penetrate a conspiracy is to get people on the inside to talk. And the people inside a criminal conspiracy are not going to be nice guys."

Arguing that they had testified truthfully, Mr. Allee cited several witnesses who characterized the defendants as part of a conspiracy that bribed a city appraiser and extorted stock from the president of the Fifth Avenue Coach Lines.

Mr. Cohn was charged with taking part in the alleged bribery and then extorting control of the bus company from Lawrence I. Weisman, the president, by threatening to expose Mr. Weisman's part in the bribery.

### 'Root' of Plot Cited

John A. Kiser, formerly a Cohn law partner, was charged with participating in the alleged extortion and bribery conspiracy during the condemnation case that determined how much the city would pay for seizing the bus company to end a strike.

John F. Curtin, a transit expert, was accused of conspiring with the others to bribe the city appraiser in the case to obtain confidential information for the bus company.

Mr. Allee said "these professional men" committed crimes to reap the millions of dollars that the bus company would be awarded "in perhaps one of the largest condemnation cases in all history."

"I suggest to you," he added, "that the pot of gold was the root of the conspiracy, bribery and extortion that went on at Fifth Avenue Coach Lines in the early nineteen-sixties."

Noting that Mr. Cohn had stressed in his own summation that he had remained on friendly terms with Mr. Weisman, the prosecutor said this did not disprove that extortion took place.

"In the nineteen-fifties, the United States of America became good friends with Germany and Japan," he remarked. "Does that prove that World War II never happened?"

Mr. Allee concluded by urging the jury of eight men and four women to find the defendants guilty on all the charges.

After a total of 16 hours of summation by both sides, testimony by 50 witnesses and 7,000 pages of court record since the trial began on Sept. 23, the case will be in the jury's hands today.

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# Cohn, 2 Others Acquitted Of Bribery Conspiracy <sup>A-2</sup>

NEW YORK (AP) — A federal court jury of eight men and four women has acquitted millionaire financier Roy M. Cohn and two other defendants on charges they conspired to bribe a public official.

The jury announced its verdict last night after six hours of deliberation. Friends and relatives of the defendants shrieked and cheered as the foreman read the findings until Judge Inzer B. Wyatt gavelled them silent.

Acquitted with Cohn, 42, a former aide to the late Sen. Joseph R. McCarthy, R-Wis., were his former law partner, John A. Kiser and Philadelphia transit engineer John F. Curtin.

They were accused of conspiring to bribe a city appraiser to obtain secret city data in 1962 during \$30 million condemnation proceedings against Fifth Avenue Coach Co., for which Cohn was counsel and a director.

Soon after the verdict ended the 11-week trial, Cohn and his retinue went to the basement pressroom where he told newsmen: "God bless America."

He repeated his oft-stated contention that U.S. Atty. Robert M. Morgenthau is conducting a vendetta against him.

Twice Morgenthau obtained criminal indictments against Cohn, who gained international attention in the 1950s as chief counsel to McCarthy when the latter's Senate subcommittee was investigating communism in government.

Cohn claimed Morgenthau was rankled because the subcommittee looked into the possibility of subversion in the Treasury Department during the tenure of the prosecutor's father, the late Secretary Henry Morgenthau.

Cohn first raised his vendetta charge in 1963 when he was accused of obstructing federal investigation of a \$5 million stock swindle. He was acquitted in that case the next year.

He still faces trial on

10-count 1968 indictment alleging mail and wire fraud, conspiracy and filing of false reports with the Securities and Exchange Commission.

The indictment said the alleged transaction involved a plan to bribe a "state court official" in an attempt to influence action in lawsuits filed by stockholders of Fifth Avenue Coach. Trial is set for next May.

The indictment in the trial ended yesterday charged Cohn with extortion in addition to bribery and conspiracy.

The jury cleared Cohn of the extortion count as well as bribery conspiracy.



ROY COHN

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# A Visit to the Elegant Universe of Roy Cohn

By ANTHONY BURTON

The room was spacious and elegant, a remnant of more gracious days. Sunshine glowed through the thin curtains behind the man sitting at the paper-littered desk.

On the walls were pictures of the man, with President Nixon, with California's Gov. Reagan, on his boat with the late Cardinal Spellman. An elevator hummed up and down the six floors.

Outside on E. 68th St., a driver waited with a car. It seemed that the owner of the town house was comfortably cocooned against the harsher knocks of life. But, 30 minutes later, attorney Roy M. Cohn had left the security of his home, and as he stood outside the Federal court house, patiently waiting while photographers maneuvered for pictures, one of New York's ever-courteous cabbies stuck an apoplectic face out of his window and screamed "Hang the bum!"

## A Reminder of the Possibilities

The jurors in courtroom No. 1 couldn't hang Cohn yesterday, but the cabby's shout was a brutal reminder that by finding him guilty they could take him out of that house on E. 68th St. and have him locked up for a considerable time in grimmer surroundings.

Before going downtown to hear the judge charge

the jury in his case, Cohn sat at his big desk drinking his breakfast of iced tea, making phone calls and talking to a visitor. He talked almost compulsively.

"People have made a point of the fact that I didn't take the stand," he said. "They say I pulled a tricky one by giving a summation in my own behalf, thus talking to the jury without opening myself up to cross-examination."

"Well, the fact is that my attorney, Joseph Brill, suffered a heart attack midway in the trial and I had no alternative but to give the summation. I leaned over backward to make sure that I didn't say a word that wasn't supported by testimony."

## Relieves the Trial's Dullness

In fact, Cohn's summation, lasting just over a day, provided one of the more brilliant chapters in a dull and complicated 10-week trial. The courtroom filled as he rose to his feet. He held the jury in a vise of attention as he moved swiftly through his argument, his slightly hoarse voice all the more effective because he maintained an unemotional, matter-of-fact delivery.

"Within two minutes of starting to talk to the jury, I felt comfortable," Cohn said. "They responded, they were receptive. They nodded at my strong points and they smiled at my sallies. They were friendly, although perhaps some were more friendly than others."

"You know, that jury has become like a family in the time they sat listening to this case. I know a couple of guys among them were making bets about the times of recesses."

"It's been a hair-raising experience, two and a half months of this while trying to run my own law firm at the same time. But perhaps this liberal town can give a fair deal, according to the evidence, to an

## Phones Wife of His Attorney

Cohn telephoned the wife of Brill, his sick defender, and warned her that there could be no result until late in the day. Brill, in Columbus Hospital, had suffered a second heart attack two days earlier.

Cohn led a quick tour of the house, which he took over two years ago. Three of the floors are used as law offices, complete with a library stacked with law books. He allowed a glimpse of his four-poster bed and an expensively furnished drawing room.

Then he hurried out to his waiting auto for the trip down the East Side Drive to the court house. He talked all the way and not once did he mention the possibility of conviction.

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# COHN IS ACQUITTED WITH 2 ASSOCIATES IN BUS BRIBE CASE

He Smiles and Bows to Jury,  
Out Six Hours in Trial  
That Began Sept. 23

By ARNOLD H. LUBASCH

Roy M. Cohn, his former law partner and a transportation engineer were acquitted last night on charges of conspiracy, bribery and extortion.

When the jury delivered its verdict at 10:50 P.M. in Federal Court, Mr. Cohn stood up with a broad smile and made a deep bow to the jurors.

The jury had been out since 4:50 P.M., when Judge Inzer B. Wyatt completed his instructions and review of the evidence in the 11-week-old trial.

Most of the testimony and attention in the trial focused on Mr. Cohn, a 42-year-old lawyer and financier, who was charged with bribing a city appraiser and extorting stock to gain control of the Fifth Avenue Coach Lines.

His 45-year-old former law partner, John A. Kiser, was charged with conspiring in the bribery and participating in the extortion.

John F. Curtin, a 57-year-old transportation engineer, was accused of conspiring with Mr. Cohn and Mr. Kiser to bribe the city appraiser to obtain confidential information for Fifth Avenue Coach.

## Reputation Irrelevant

In his four-hour review of the evidence and instructions to the jury, the judge stressed that it was wholly irrelevant whether Mr. Cohn was a controversial figure or whether there was "any animosity, bias or hostility between Mr. Cohn and the United States Attorney's office."

~~Mrs. Cohn~~ had contended before the trial that United States Attorney Robert M. Morgenthau was conducting a "vendetta" against him because of Mr. Cohn's criticism of Mr. Morgenthau's father, the late Treasury Secretary Henry Morgenthau Jr., when Mr. Cohn was an aide to the late Senator Joseph R. McCarthy.

The short, slightly built, trimly tailored Mr. Cohn rested his chin in the palm of his right hand and furrowed his forehead as the judge outlined the charges and the evidence.

During a brief recess, Mr. Cohn remarked buoyantly to newsmen that the night before he had attended the Broadway opening of Brian Friel's "The Mundy Scheme" and that he had enjoyed the show.

Judge Wyatt, addressing the jury of eight men and four women, explained that the case had come under Federal jurisdiction because the charges allegedly involved the use of the mails, interstate transportation and Federal property.

"It seems clear that your verdict depends on the determination of the credibility of the witnesses," said Judge Wyatt in the drawl of his native Alabama.

## 'Common Sense' Urged

The gray-haired judge urged the jurors to use "your ordinary common sense" in deciding on each charge against each defendant if the prosecution had proved proof beyond a reasonable doubt.

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~~A reasonable doubt is not~~  
a vague or speculative doubt,"  
he cautioned. "It is a doubt a  
reasonable man would have. It  
is not an excuse to avoid an  
unpleasant duty."

The evidence in the trial that  
began Sept. 23 was provided  
by 50 witnesses and scores of  
documents and the jury was  
faced with thousands of pages  
of proceedings to consider.

The charges derive from the  
city's seizure of the Fifth Ave-  
nue Coach Lines to end a strike  
in 1962, when the financially  
troubled company operated  
many major bus routes here.

In a long condemnation case  
to determine how much the  
city would pay the company,  
the city hired Bernard Reicher  
as an appraisal expert and the  
company hired Mr. Curtin to  
conduct its appraisal work.

The prosecution contended  
that during the condemnation  
~~case the~~ Curtin paid for a

Caribbean cruise for Mr. Reich-  
er and that the city appraiser  
subsequently received cash pay-  
ments to operate as "an intelli-  
gent agent" for Fifth Avenue  
Coach.

Mr. Reicher, who will be tried  
separately on a charge of tak-  
ing bribes, testified for the  
prosecution that representatives  
of the bus company had prom-  
ised him \$50,000 and paid about  
half of it for inventory lists  
and other secret ~~data that~~ he  
supplied from the city's files in  
the condemnation case that  
eventually awarded more than  
\$30-million to the bus company.

Lawrence I. Weisman, former  
president of Fifth Avenue  
Coach, testified under immunity  
from prosecution that he had  
agreed to the bribery arrange-  
ment with the approval of Mr.  
Cohn, who was then a counsel  
and a director of the bus com-  
pany.

Mr. Weisman said that Mr.  
Cohn had compelled him to sell  
control of the company to Cohn  
Associates several months later  
by threatening to expose the  
bus president's role in the brib-

ary of the city appraiser.

According to Mr. Weisman  
and other witnesses, Mr. Cohn  
was aided in the alleged bribery  
and extortion by Mr. Kiser, who  
was also a director of the bus  
company at the time.

Mr. Cohn was also charged  
with making a \$3,000 payment  
to a representative of Mr.  
Reicher in 1964 in the corridor  
of the Federal Court House at  
Foley Square, where the pres-  
ent trial has been conducted.

The maximum sentence that  
Mr. Cohn could receive if the  
jury found him guilty on all the  
charges would be 35 years in



Associated Press

Roy M. Cohn

\* AS APPEAL



# Roy Cohn to Seek Dismissal of Charges Remaining Against Him

By ARNOLD H. LUBASCH

Roy M. Cohn expressed the hope yesterday that a Federal indictment still pending against him would be dropped as a result of his acquittal on charges of bribing a city appraiser and extorting stock from the president of a bus company.

Mr. Cohn said he would request a review of the pending indictment charging him with conspiracy, fraud and filing false reports regarding the Fifth Avenue Coach Lines.

The 42-year-old lawyer and financier said that the principal Government witnesses in the pending case had testified against him in the trial that ended late Friday night with a not-guilty verdict on the bribery and extortion charges, which also involved Fifth Avenue Coach.

A jury acquitted Mr. Cohn, his former law partner and a transportation engineer on charges of conspiracy, bribery and extortion after more than 11 weeks of trial in Federal Court.

Mr. Cohn was a counsel and a director of Fifth Avenue Coach in 1962, when the city took over the bus operations in a condemnation case that led to an award of more than \$30-million to the company.

John A. Kiser was accused of joining in the bribery conspiracy and the stock extortion when he was a law partner of Mr. Johns and also a director of the bus company during the condemnation case. Mr. Kiser is a former Democratic chairman of Morris County, N. J.

John F. Curtin, senior partner in the engineering firm of Simpson & Curtin, was accused of conspiring with the others in the bribery when he con-

ducted appraisal work for the bus company.

The prosecution contended that the defendants conspired to bribe the city appraiser in the condemnation case to obtain inventory lists and other secret data from the city's files.

According to the prosecution, Mr. Cohn and Mr. Kiser subsequently used extortion to compel the president of Fifth Avenue Coach to relinquish control of the company by threatening to expose his part in the bribery of the city appraiser.

The case was tried in Federal Court because the Government said the charges involved the use of the mails and other Federal facilities.

Joseph E. Brill headed a team of defense lawyers that hammered away in cross-examination to dispute the truthfulness and the motives of the key prosecution witnesses.

None of the defendants took the witness stand, but their lawyers called defense witnesses to contradict the prosecution case.

After Mr. Brill entered a hospital suffering from a heart condition, Mr. Cohn supplied the climax of his defense by delivering a dramatic five-hour summation to the jury.

Judge Inzer B. Wyatt, who had prodded both sides to expedite the trial since its start Sept. 23, told the jurors their verdict would depend on the credibility of the witnesses.

Six hours after they began their deliberations the jury returned with acquittal of all the defendants on all the charges.

Mr. Cohn said afterward at a news conference that United States Attorney Robert M. Morgenthau was obsessed with prosecuting him because of Mr. Cohn's criticism of Mr. Morgenthau's late father, Secretary of

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the Treasury Henry Morgenthau Jr., when Mr. Cohn was an aide to the late Senator Joseph R. McCarthy.

Mr. Morgenthau, who has denied similar accusations by Mr. Cohn in the past, could not be reached yesterday to comment on Mr. Cohn's charge on his contention that the pending indictment against him should now be dropped.

In an interview yesterday, Mr. Cohn complained that lengthy prosecution proceedings against him interfered with his law practice, his charitable work and his activities as president of the American Jewish League Against Communism.

The slightly built and trimly tailored lawyer, who was sworn in as an assistant United States attorney on his 21st birthday, said he regretted some of the toughness he displayed as a young prosecutor.

He added, however, that he did not regret his prosecution of internal-security cases as chief counsel to the late Senator McCarthy in 1953 and 1954.

Mr. Cohn, a bachelor whose law practice centers on corporation and matrimonial cases, said he hoped to leave this week for a vacation in the Caribbean.



# Cohn, Found Innocent of Bribery Charges, Says U.S. Has Weaker Case in Next Trial

By SCOTT R. SCHMEDEL

Staff Reporter of THE WALL STREET JOURNAL

NEW YORK—A jubilant Roy M. Cohn and two codefendants were acquitted of all bribery and extortion charges against them, after a trial of more than 11 weeks in U.S. district court.

The verdict was returned at about 10:50 p.m. Friday. Then the former anti-Communist investigator, surrounded by 25 or 30 friends, held an impromptu news conference in the courthouse press room. The 42-year-old Mr. Cohn praised the American system of justice and then renewed his six-year-old charge that U.S. attorney Robert M. Morgenthau has used public powers to vent a personal grudge against him. Mr. Morgenthau has repeatedly denied waging a vendetta against Mr. Cohn.

Mr. Cohn also sniped at Federal Judge Inzer B. Wyatt, who presided over the exhaustive submission of evidence at the trial with the discipline of an old-fashioned schoolmaster. "I filed an affidavit of prejudice against Judge Wyatt before the trial," Mr. Cohn asserted, "and nothing in the trial would make me withdraw it now. Thank God the jury decided the case."

Also found innocent of the Government's charges were a former law partner of Mr. Cohn, John A. Kiser, 45, and a transportation engineer from Philadelphia, John F. Curtin, 57.

Mr. Cohn, who delivered his own closing argument to the jury last week, and other defense attorneys said the jury of eight men and four women clearly didn't believe the testimony of the principal prosecution witnesses. That was indicated, the defense counsel said, when during their deliberations, the jurors asked to see documents submitted during the trial by the defendants to refute the prosecution witnesses.

Mr. Cohn still faces a trial, scheduled for next May, on another indictment returned last year by a Federal grand jury.

But at his news conference, Mr. Cohn scorned those charges by declaring that the Government had chosen to try its stronger case first.

## A Second Acquittal

His acquittal Friday was the second on criminal charges brought against him by a Federal grand jury during Mr. Morgenthau's tenure as U.S. attorney here. In 1964, Mr. Cohn was found innocent of perjury and attempting to obstruct a grand jury investigation of why four participants in the United Dye & Chemical Corp. stock swindle, who later pleaded guilty, were omitted from an initial indictment in 1959.

This year's trial of Mr. Cohn, who was the youthful chief legal aide to the late Sen. Joseph McCarthy (R., Wis.) in investigations of alleged Communist plots in the early 1950s, stemmed from Mr. Cohn's involvement in Fifth Avenue Coach Lines Inc. Mr. Cohn was a leader of a group that took control of that company early in 1962, and he was the company's general counsel during condemnation proceedings to determine what it should receive for bus lines that New York City seized in March 1962 to end a strike.

Last January, Mr. Cohn was indicted on charges of violating Federal laws in an alleged conspiracy to bribe a city appraiser, Bernard Reicher, to get confidential city data about the condemnation proceedings. Mr. Cohn was accused of paying a bribe to Reicher in 1964, through an intermediary, Bernard Patrusky.

Mr. Cohn also was accused of conspiring to threaten an associate, Lawrence I. Weisman, then the head of Fifth Avenue Coach, with the exposure of his part in the alleged bribery conspiracy, in order to force Mr. Weisman to sell control of the company to a Cohn-sponsored group in January 1964.

In all, Mr. Cohn was acquitted on five counts. Mr. Kiser was acquitted of all three counts in the same indictment charging him with conspiring in bribery and extortion. He had been a Fifth Avenue Coach director. Mr. Curtin was found innocent of the single charge attaching him to the alleged bribery conspiracy. He had been retained by the company as an appraiser in the condemnation case.

Earlier, Judge Wyatt had dismissed a sixth count in the indictment that charged Mr. Cohn and Mr. Kiser with actually obtaining a change in control of Fifth Avenue Coach through blackmailing Mr. Weisman.

## Prosecution Witnesses

None of the defendants testified at the trial.

Reicher, Mr. Weisman, and Mr. Patrusky were key witnesses for the Government, and defense attorneys hammered at their credibility.

Reicher was indicted with the three defendants, but was granted a separate trial at the request of the Government. Reicher is awaiting sentence in a state court, after pleading guilty in November 1967 to attempted grand larceny in the second degree; in that case, he was charged with submitting false bills to the city in connection with his Fifth Avenue Coach appraisals.

Mr. Weisman, a lawyer who currently is president of Old Town Corp., an office-supplies and copiers concern, testified for the Government under a court order of immunity from prosecution. Mr. Patrusky, a lawyer and certified public accountant, admitted on the witness stand that he had originally lied under oath to the grand jury.

The trial, which began Sept. 23, took 41 days, but they were spread over the longer period because of several illnesses. Mr. Cohn delivered his own summation because his chief counsel, Joseph E. Brill, suffered a heart attack on Nov. 24.

The final day of the trial began with the judge's four-hour instructions on the law and review of the evidence. Joseph Tague, a warehouse checker who wore a tiny American-flag pin on his lapel, solemnly reported the jury's verdict less than six hours after it began deliberating. That period included time for dinner.

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The words "not guilty" caused Mr. Cohn to slump down in his chair, his face in his hands, as his law partner, Thomas A. Bolan, put an arm around him and slapped him on the shoulder. Whoops of delight rang out from Mr. Cohn's friends and from Mr. Curtin's wife, son, and two brothers.

The Federal prosecutors, John S. Allee, 37, and Paul L. Perito, 31, declined to comment on the outcome or on their case still pending against Mr. Cohn.

#### Next Case

That case concerns alleged events after two former associates of Mr. Cohn, Victor Muscat and Edward Krock, took over control of Fifth Avenue Coach from Mr. Weisman. Five of the 10 counts against Mr. Cohn charge him with defrauding Fifth Avenue Coach and other companies controlled by the same group. The alleged purpose was to get funds for a \$75,000 illegal payment to an unnamed state-court official to bring about favorable results in lawsuits brought by Fifth Avenue Coach stockholders.

The other five counts charge that Mr. Cohn filed false and misleading reports to the Securities and Exchange Commission about transactions among himself, his law firm, Mr. Muscat and Mr. Krock, Fifth Avenue Coach, and other companies.

During Mr. Cohn's trial, Mr. Muscat and Mr. Krock pleaded guilty themselves of filing false reports with the SEC about some of the transactions involving Mr. Cohn. Mr. Muscat and Mr. Krock then testified for the prosecution about the extortion charges against Mr. Cohn.

However, at his news conference, Mr. Cohn made light of the prospect that the two men would testify against him again in the pending case. "Yeah, the Government has the same witnesses, Krock and Muscat, that the jury didn't believe this time," Mr. Cohn said.

The Government still has perjury charges pending against Mr. Kiser and Mr. Curtin, related to their grand-jury testimony about the case in which they were found innocent. It appeared the perjury charges would be dropped.



# COHN FRAUD TRIAL TO BE HELD IN MAY

## Prosecutor Denies Plan to Withdraw the Case

By ARNOLD H. LUBASCH

A trial is set for May 5 on charges that Roy M. Cohn defrauded the Fifth Avenue Coach Lines and other companies that he served as a lawyer.

After his acquittal last week on charges of bribery and extortion involving Fifth Avenue Coach, Mr. Cohn suggested that the fraud indictment should be dropped.

"Absolutely not," a Federal prosecutor replied yesterday when asked if the indictment might be withdrawn. "This case is going to be tried."

Paul L. Perito, a prosecutor in the case, confirmed that the trial of Mr. Cohn was scheduled to begin next May before Judge Charles H. Tenney in Federal Court.

### False Reports Charged

The charges were filed this year when a grand jury returned a 10-count indictment that accused Mr. Cohn of having committed mail and wire fraud as well as of having filed false reports with the Securities and Exchange Commission.

As part of the scheme, according to the indictment, Mr. Cohn advised two associates that they could obtain favorable action in lawsuits involving Fifth Avenue Coach by making "a \$75,000 illegal payment to a certain state court official."

The prosecutors have refused to disclose the name of the court official or the circumstances of the alleged bribery.

The indictment charged that Mr. Cohn and others had joined in a conspiracy that "diverted to their own personal use and benefit substantial funds and assets" belonging to Fifth Avenue Coach, Defiance Industries and the American Steel and Pump Corporation.

### 2 Financiers Named

Victor Muscat and Edward Krock, two financiers who controlled the companies, were named as co-conspirators, but not as defendants, and they are expected to testify for the prosecution.

### Both Pleaded Guilty

Muscat and Krock, who testified against Mr. Cohn in his recent trial, pleaded guilty last month to filing false reports with the Securities and Exchange Commission regarding Fifth Avenue Coach, but they have not yet been sentenced.

Mr. Cohn was acquitted last week on charges on conspiracy, bribery and extortion to gain control of Fifth Avenue Coach for a Muscat-Krock company in 1964.

The fraud scheme cited in the current indictment allegedly took place from 1965 to 1968, when Mr. Cohn was associated with the Muscat-Krock interests in a complex web of financial companies.

After the Securities and Exchange Commission accused them of diverting more than \$4-million, a Federal judge ordered Mr. Cohn, Muscat and Krock not to divert funds from the bus company to themselves.

Fifth Avenue Coach, which no longer operates buses in the city, is being administered by a court-appointed trustee to protect its assets for the stockholders.

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 Belmont ✓  
 Walters ✓  
 Mohr ✓  
 Bishop ✓  
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 Callahan ✓  
 Conrad ✓  
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 Gandy ✓

## New Cohn Trial Delayed At Least Until Autumn

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—The third Federal prosecution of attorney-businessman Roy M. Cohn, the former anti-Communist investigator, has been delayed at least until fall.

Mr. Cohn, 43 years old, was scheduled to be tried early next month on charges of defrauding a group of corporations and filing false and misleading reports to the Securities and Exchange Commission. However, the Associated Press reported, Judge Charles H. Tenney has set Sept. 23 as the date for a further pre-trial conference, at which a trial date may be set.

Mr. Cohn, who first gained fame in the late Sen. Joseph McCarthy's campaign against alleged Communists, was acquitted last December of bribery and extortion charges after a trial of more than 11 weeks in Federal district court. After two trials in 1964, he was acquitted of charges of perjury and attempts to obstruct a grand jury investigation.

The pending charges, in a grand jury indictment returned in November 1968, accuse Mr. Cohn of defrauding Fifth Avenue Coach Lines Inc. and other companies formerly controlled by his onetime associate, Victor Muscat.

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